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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10303

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN CERTAIN TRANSPORTATION SYSTEMS OPERATED BY THE SECRETARY OF THE ARMY AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between the Baltimore & Ohio Railroad Company, including Buffalo Division (formerly Buffalo, Rochester and Pittsburgh Railway) and Buffalo & Susquehanna District, Chicago & North Western Railway Company, including Chicago, St. Paul, Minneapolis & Omaha Railway, Louisville & Nashville Railroad Company, Terminal Railroad Association of St. Louis, and all other carriers represented by the Eastern, Western, and Southeastern Carriers' Conference Committees, carriers under Federal management, and certain of their employees represented by the Brotherhood of Locomotive Firemen and Enginemen, a labor organization; and

WHEREAS by Executive Order No. 10155 of August 25, 1950, possession, control, and operation of the transportation systems owned or operated by the said carriers, together with the transportation systems owned or operated by certain other carriers, were assumed by the President, through the Secretary of the Army; and

WHEREAS the said dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS the said dispute threatens, in the judgment of the National Mediation Board, substantially to interrupt interstate commerce to a degree such as to deprive certain sections of the country of essential transportation service, and also threatens to interfere with the operation by the Secretary of the Army of transportation systems taken pursuant to the said Executive Order No. 10155:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of the United States, including section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), and subject to the provisions of that section, I hereby create a board of three members, to be appointed by me, to investigate the said dispute. Nothing in this

order shall be construed to derogate from the authority of the Secretary of the Army under the said Executive Order No. 10155.

The Board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

In performing its functions under this order the Board shall comply with the requirements of section 502 of the Defense Production Act of 1950, as amended.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 6, 1951.

[F. R. Doc. 51-13553; Filed, Nov. 7, 1951;
11:15 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

REDUCTIONS IN FORCE

Effective October 1, 1951, § 34.15 (d) is amended to read as follows:

§ 34.15 *Reductions in force.* * * *

(d) *Appeals.* (1) Any hearing examiner who feels that there has been a violation of his rights under the regulations governing reductions in force may appeal to the Commission (attention, Chief Law Officer) within 10 days from the date he received his notice of the action to be taken.

(2) Each appeal shall state clearly the grounds on which it is based, whether error in the records; violation of the rule of selection; restriction of the competitive area or level; disregard of a specified right under the law or regulations; or denial of the right to examine the regulations, retention register, or records.

(3) The agency in which the hearing examiner is employed shall be notified of the appeal and shall be allowed to file an answer thereto. The agency's answer must be submitted to the Commission's Chief Law Officer within 10 days from the date the agency is notified.

(4) Upon receipt of an appeal the Chief Law Officer will refer the case to

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FEDERAL REGISTER

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the Personnel Classification Division for investigation. The Personnel Classification Division will make investigation and submit its report to the Chief Law Officer. If the investigation discloses violations of the rights of the appellant, the Chief Law Officer shall notify the agency as to the corrective action to be taken. The agency may appeal the decision of the Chief Law Officer within 10 days of its receipt to the Commission's Board of Appeals and Review. If the Board of Appeals and Review disagrees with the decision of the Chief Law Officer, it shall refer the case to the Commission's Chief Hearing Examiner for a hearing in accordance with subparagraph (5) of this paragraph.

(5) Appeals in which the Chief Law Officer cannot make initial finding in favor of the appellant shall be referred to the Commission's Chief Hearing Examiner for a hearing. The hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act. The appellant, the agency concerned, and the Commission's Chief Law Officer may be represented at the hearing. Upon completion of the hearing the presiding hearing examiner shall transmit the entire file with his recommended decision to the Commission for decision.

(Sec. 11, 60 Stat. 244; 5 U. S. C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-13451; Filed, Nov. 7, 1951; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; TEXAS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

TEXAS

County	Average value	Investment limit
Anderson	\$16,500	\$12,000
Angelina	15,000	12,000
Archer	20,000	12,000
Atascosa	16,000	12,000
Austin	15,000	12,000
Baylor	20,000	12,000
Bee	20,000	12,000
Bell	17,000	12,000
Bexar	20,000	12,000
Bosque	17,000	12,000
Brazos	18,000	12,000
Briscoe	25,000	12,000
Brown	18,000	12,000
Burleson	15,000	12,000
Burnet	18,000	12,000
Caldwell	15,000	12,000
Callahan	24,000	12,000
Callahan	14,000	12,000
Cameron	25,000	12,000
Cass	15,000	12,000
Castro	25,000	12,000
Cherokee	16,000	12,000
Clay	25,000	12,000
Cochran	25,000	12,000
Coke	20,000	12,000
Coleman	18,000	12,000
Collin	20,000	12,000
Comal	17,000	12,000
Comanche	16,000	12,000
Concho	25,000	12,000
Cooke	17,500	12,000
Coryell	17,000	12,000
Cottle	18,000	12,000
Dallam	25,000	12,000
Dallas	20,000	12,000
Deaf Smith	25,000	12,000
Delta	20,000	12,000
Denton	16,000	12,000
Dickens	25,000	12,000
Dimmit	20,000	12,000
Donley	18,000	12,000
Eastland	16,000	12,000
Ellis	20,000	12,000
Erath	17,500	12,000
Falls	17,000	12,000
Fannin	18,000	12,000
Foard	25,000	12,000
Fort Bend	18,000	12,000
Freestone	17,500	12,000
Frio	25,000	12,000
Gaines	20,000	12,000
Galveston	18,000	12,000
Glasscock	25,000	12,000
Gray	24,000	12,000
Grayson	20,000	12,000
Grimes	18,000	12,000
Guadalupe	16,000	12,000
Hale	25,000	12,000
Hall	20,000	12,000
Hamilton	17,000	12,000
Hardeman	20,000	12,000
Harris	18,000	12,000

TEXAS—Continued

County	Average value	Investment limit
Hartley	\$25,000	\$12,000
Haskell	18,000	12,000
Hays	17,000	12,000
Henderson	18,000	12,000
Hidalgo	25,000	12,000
Hill	20,000	12,000
Hood	15,000	12,000
Houston	15,000	12,000
Howard	25,000	12,000
Hunt	18,000	12,000
Jack	22,000	12,000
Jackson	20,000	12,000
Jim Wells	20,000	12,000
Johnson	20,000	12,000
Jones	20,000	12,000
Karnes	20,000	12,000
Kaufman	20,000	12,000
Kent	25,000	12,000
King	18,000	12,000
Kleberg	20,000	12,000
Knox	20,000	12,000
Lampasas	18,000	12,000
La Salle	25,000	12,000
Leon	16,000	12,000
Live Oak	21,000	12,000
Llano	19,000	12,000
McLennan	17,000	12,000
Madison	18,000	12,000
Martin	25,000	12,000
Maverick	20,000	12,000
Midland	25,000	12,000
Milam	15,000	12,000
Mills	17,000	12,000
Montgomery	15,000	12,000
Moore	25,000	12,000
Motley	17,500	12,000
Macogdoches	18,000	12,000
Nolan	18,000	12,000
Nueces	20,000	12,000
Palo Pinto	18,000	12,000
Panola	16,965	12,000
Parker	18,000	12,000
Parmer	25,000	12,000
Rains	15,000	12,000
Real	20,000	12,000
Red River	20,000	12,000
Refugio	22,000	12,000
Robertson	18,000	12,000
Rockwall	20,000	12,000
Russell	20,000	12,000
Rusk	20,000	12,000
Sabine	16,000	12,000
San Augustine	16,000	12,000
San Jacinto	15,000	12,000
San Patricio	20,000	12,000
Schleicher	25,000	12,000
Shelby	18,000	12,000
Sherman	25,000	12,000
Smith	13,000	12,000
Somervell	15,000	12,000
Stephens	25,000	12,000
Stonewall	18,000	12,000
Swisher	25,000	12,000
Tarrant	20,000	12,000
Taylor	15,000	12,000
Terry	20,000	12,000
Throckmorton	20,000	12,000
Titus	20,000	12,000
Tom Green	25,000	12,000
Uvalde	20,000	12,000
Van Zandt	15,000	12,000
Walker	15,000	12,000
Washington	15,000	12,000
Wharton	24,000	12,000
Wichita	25,000	12,000
Wilbarger	22,000	12,000
Willacy	25,000	12,000
Wilson	20,000	12,000
Yoakum	20,000	12,000
Young	20,000	12,000
Zavala	20,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 2d day of November 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-13438; Filed, Nov. 7, 1951;
8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS¹

U. S. STANDARDS FOR GRADES OF FROZEN CONCENTRATED GRAPEFRUIT JUICE²

On July 1, 1950 a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 4228) regarding the issuance of proposed United States Standards for Grades of Frozen Concentrated Grapefruit Juice. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Concentrated Grapefruit Juice are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951):

§ 52.368 *Frozen concentrated grapefruit juice.* Frozen concentrated grapefruit juice is the frozen product of concentrated, unfermented juice obtained from sound, mature grapefruit (*Citrus paradisi*). The fruit is prepared by sorting and by washing prior to extraction of the juice to assure a clean product. Upon extraction of such juice, it is concentrated; and single-strength grapefruit juice is admixed to the concentrate. The concentrated grapefruit juice is packed in accordance with good commercial practice and is frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Styles of frozen concentrated grapefruit juice*—(1) *Style I, without sweetening ingredient added.* The Brix value of the finished concentrate shall be not less than 38 degrees nor more than 42 degrees.

(2) *Style II, with sweetening ingredient added.* The finished concentrate, exclusive of added sweetening ingredient, has a Brix value of not less than 36 degrees; and the finished concentrate, including added sweetening ingredient, shall have a Brix value of not less than 38 degrees but not more than 48 degrees.

¹ The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

² The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

(b) *Grades of frozen concentrated grapefruit juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses the appearance of fresh grapefruit juice; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses a good color; is reasonably free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen concentrated grapefruit juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with frozen concentrated grapefruit juice as full as practicable without impairment of quality.

(d) *Ascertaining the grade.* The grade of frozen concentrated grapefruit juice is ascertained by considering in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(1) Color.....	20
(2) Absence of defects.....	40
(3) Flavor.....	40
Total score.....	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, 17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the color is bright and typical of freshly extracted grapefruit juice and is free from any trace of browning.

(ii) If the reconstituted juice possesses a "good color", a score of 14 to 16 points may be given. Frozen concentrated grapefruit juice that falls into

this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is typical of freshly extracted grapefruit juice which may be slightly dull or show traces of browning but is not off color for any reason.

(iii) If the reconstituted juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 13 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from free and suspended pulp, from recoverable oil, and from other defects.

(i) "Free and suspended pulp" means particles of membrane, core, and peel and other similar extraneous materials in the reconstituted grapefruit juice.

(ii) Frozen concentrated grapefruit juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present: (a) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding $\frac{1}{8}$ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (b) juice cells that do not materially affect the appearance or drinking quality of the juice; (c) other defects that are not more than slightly objectionable; and (d) not more than 10 percent free and suspended pulp. To score in this classification the frozen concentrated grapefruit juice may contain not more than 0.040 milliliter of recoverable oil per 100 grams of the concentrated product.

(iii) If the reconstituted juice is reasonably free from defects, a score of 28 to 33 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present: (a) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding $\frac{1}{8}$ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (b) juice cells that do not seriously affect the appearance or drinking quality of the juice; (c) other defects that are not materially objectionable; and (d) not more than 15 percent free and suspended pulp. To score in this classification the frozen concentrated grapefruit juice may contain not more than 0.048 milliliter of recoverable oil per 100 grams of the concentrated product.

(iv) Frozen concentrated grapefruit juice that fails to meet the requirements of subdivision (iii) of this subparagraph

may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of freshly extracted grapefruit juice. To score not less than 34 points frozen concentrated grapefruit juice shall meet the following requirements for the respective style:

Style I, without sweetening ingredient added. The ratio of Brix value to acid is not less than 8 to 1 nor more than 14 to 1 (see Table I).

Style II, with sweetening ingredient added. The ratio of Brix value to acid is not less than 9.5 to 1 nor more than 13 to 1 (see Table II).

(ii) If the reconstituted juice possesses a good flavor, a score of 28 to 33 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of freshly extracted grapefruit juice and is free from abnormal flavors and off flavors of any kind. To score not less than 28 points frozen concentrated grapefruit juice shall meet the following requirements for the respective style:

Style I, without sweetening ingredient added. The ratio of Brix value to acid is not less than 7 to 1 nor more than 16 to 1 (see Table I).

Style II, with sweetening ingredient added. The ratio of Brix value to acid is not less than 8 to 1 nor more than 13 to 1 (see Table II).

(iii) If the frozen concentrated grapefruit juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED GRAPEFRUIT JUICE

STYLE I. WITHOUT SWEETENING INGREDIENT ADDED					
Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice		
	Ratio 8:1	Ratio 14:1	Ratio 7:1	Ratio 16:1	
	Acid percent by weight		Acid percent by weight		
	Maximum	Minimum	Maximum	Minimum	
	38.0°	4.75	2.71	5.43	
38.1°	4.76	2.72	5.44	2.38	
38.2°	4.78	2.73	5.46	2.38	
38.3°	4.79	2.74	5.47	2.39	
38.4°	4.80	2.74	5.49	2.40	
38.5°	4.81	2.75	5.50	2.41	
38.6°	4.83	2.76	5.51	2.41	
38.7°	4.84	2.76	5.53	2.42	
38.8°	4.85	2.77	5.54	2.42	
38.9°	4.86	2.78	5.56	2.42	
39.0°	4.88	2.79	5.57	2.43	
39.1°	4.89	2.79	5.59	2.44	
39.2°	4.90	2.80	5.60	2.45	
39.3°	4.91	2.81	5.61	2.46	
39.4°	4.93	2.81	5.63	2.46	

TABLE I—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED GRAPEFRUIT JUICE—Continued

STYLE I. WITHOUT SWEETENING INGREDIENT ADDED— continued					
Brix value of the con- centrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice		
	Ratio 8:1	Ratio 14:1	Ratio 7:1	Ratio 16:1	
	Acid percent by weight		Acid percent by weight		
	Maxi- mum	Mini- mum	Maxi- mum	Mini- mum	
39.5°	4.94	2.82	5.64	2.47	
39.6°	4.95	2.83	5.66	2.48	
39.7°	4.96	2.84	5.67	2.48	
39.8°	4.98	2.84	5.69	2.49	
39.9°	4.99	2.85	5.70	2.49	
40.0°	5.00	2.86	5.71	2.50	
40.1°	5.01	2.86	5.73	2.51	
40.2°	5.03	2.87	5.74	2.51	
40.3°	5.04	2.88	5.76	2.52	
40.4°	5.05	2.89	5.78	2.53	
40.5°	5.06	2.89	5.79	2.53	
40.6°	5.08	2.90	5.80	2.54	
40.7°	5.09	2.91	5.81	2.54	
40.8°	5.10	2.91	5.83	2.55	
40.9°	5.11	2.92	5.84	2.56	
41.0°	5.13	2.93	5.86	2.56	
41.1°	5.14	2.94	5.87	2.57	
41.2°	5.15	2.94	5.89	2.58	
41.3°	5.16	2.95	5.90	2.58	
41.4°	5.18	2.96	5.91	2.59	
41.5°	5.19	2.96	5.93	2.59	
41.6°	5.20	2.97	5.94	2.60	
41.7°	5.21	2.98	5.96	2.61	
41.8°	5.23	2.99	5.97	2.61	
41.9°	5.24	2.99	5.99	2.62	
42.0°	5.25	3.00	6.00	2.63	

TABLE II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED GRAPEFRUIT JUICE

STYLE II. WITH SWEETENING INGREDIENT ADDED					
Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice		
	Ratio 9.5:1	Ratio 13:1	Ratio 8:1	Ratio 13:1	
	Acid percent by weight		Acid percent by weight		
	Maxi- mum	Mini- mum	Maxi- mum	Mini- mum	
38.0°	4.00	2.92	4.75	2.92	
38.1°	4.01	2.93	4.76	2.93	
38.2°	4.02	2.94	4.78	2.94	
38.3°	4.03	2.95	4.79	2.95	
38.4°	4.04	2.95	4.80	2.95	
38.5°	4.05	2.96	4.81	2.96	
38.6°	4.06	2.97	4.83	2.97	
38.7°	4.07	2.98	4.84	2.98	
38.8°	4.08	2.98	4.85	2.98	
38.9°	4.09	2.99	4.86	2.99	
39.0°	4.11	3.00	4.88	3.00	
39.1°	4.12	3.01	4.89	3.01	
39.2°	4.13	3.02	4.90	3.02	
39.3°	4.14	3.02	4.91	3.02	
39.4°	4.15	3.03	4.93	3.03	
39.5°	4.16	3.04	4.94	3.04	
39.6°	4.17	3.05	4.95	3.05	
39.7°	4.18	3.05	4.96	3.05	
39.8°	4.19	3.06	4.98	3.06	
39.9°	4.20	3.07	4.99	3.07	
40.0°	4.21	3.08	5.00	3.08	
40.1°	4.22	3.08	5.01	3.08	
40.2°	4.23	3.09	5.03	3.09	
40.3°	4.24	3.10	5.04	3.10	
40.4°	4.25	3.11	5.05	3.11	
40.5°	4.26	3.12	5.06	3.12	
40.6°	4.27	3.12	5.08	3.12	
40.7°	4.28	3.13	5.09	3.13	
40.8°	4.29	3.14	5.10	3.14	
40.9°	4.31	3.15	5.11	3.15	
41.0°	4.32	3.15	5.13	3.15	
41.1°	4.33	3.16	5.14	3.16	
41.2°	4.34	3.17	5.15	3.17	
41.3°	4.35	3.18	5.16	3.18	
41.4°	4.36	3.18	5.18	3.18	
41.5°	4.37	3.19	5.19	3.19	
41.6°	4.38	3.20	5.20	3.20	
41.7°	4.39	3.21	5.21	3.21	
41.8°	4.40	3.22	5.23	3.22	
41.9°	4.41	3.22	5.24	3.22	
42.0°	4.42	3.23	5.25	3.23	
42.1°	4.43	3.24	5.26	3.24	
42.2°	4.44	3.25	5.28	3.25	
42.3°	4.45	3.25	5.29	3.25	
42.4°	4.46	3.26	5.30	3.26	

TABLE II.—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED GRAPEFRUIT JUICE—Continued

STYLE II, WITH SWEETENING INGREDIENT ADDED—CON.

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 9:5:1	Ratio 13:1	Ratio 8:1	Ratio 13:1
	Acid percent by weight		Acid percent by weight	
	Maximum	Minimum	Maximum	Minimum
42.5°	4.47	3.27	5.31	3.27
42.6°	4.48	3.28	5.33	3.28
42.7°	4.49	3.28	5.34	3.28
42.8°	4.51	3.29	5.35	3.29
42.9°	4.52	3.30	5.36	3.30
43.0°	4.53	3.31	5.38	3.31
43.1°	4.54	3.32	5.39	3.32
43.2°	4.55	3.32	5.40	3.32
43.3°	4.56	3.33	5.41	3.33
43.4°	4.57	3.34	5.43	3.34
43.5°	4.58	3.35	5.44	3.35
43.6°	4.59	3.35	5.45	3.35
43.7°	4.60	3.36	5.46	3.36
43.8°	4.61	3.37	5.48	3.37
43.9°	4.62	3.38	5.49	3.38
44.0°	4.63	3.38	5.50	3.38
44.1°	4.64	3.39	5.51	3.39
44.2°	4.65	3.40	5.53	3.40
44.3°	4.66	3.41	5.54	3.41
44.4°	4.67	3.42	5.55	3.42
44.5°	4.68	3.42	5.56	3.42
44.6°	4.69	3.43	5.58	3.43
44.7°	4.71	3.44	5.59	3.44
44.8°	4.72	3.45	5.60	3.45
44.9°	4.73	3.45	5.61	3.45
45.0°	4.74	3.46	5.63	3.46
45.1°	4.75	3.47	5.64	3.47
45.2°	4.76	3.48	5.65	3.48
45.3°	4.77	3.48	5.66	3.48
45.4°	4.78	3.49	5.68	3.49
45.5°	4.79	3.50	5.69	3.50
45.6°	4.80	3.51	5.70	3.51
45.7°	4.81	3.52	5.71	3.52
45.8°	4.82	3.52	5.73	3.52
45.9°	4.83	3.53	5.74	3.53
46.0°	4.84	3.54	5.75	3.54
46.1°	4.85	3.55	5.76	3.55
46.2°	4.86	3.55	5.78	3.55
46.3°	4.87	3.56	5.79	3.56
46.4°	4.88	3.57	5.80	3.57
46.5°	4.89	3.58	5.81	3.58
46.6°	4.91	3.58	5.83	3.58
46.7°	4.92	3.59	5.84	3.59
46.8°	4.93	3.60	5.85	3.60
46.9°	4.94	3.61	5.86	3.61
47.0°	4.95	3.62	5.88	3.62
47.1°	4.96	3.62	5.89	3.62
47.2°	4.97	3.63	5.90	3.63
47.3°	4.98	3.64	5.91	3.64
47.4°	4.99	3.65	5.93	3.65
47.5°	5.00	3.65	5.94	3.65
47.6°	5.01	3.66	5.95	3.66
47.7°	5.02	3.67	5.96	3.67
47.8°	5.03	3.68	5.98	3.68
47.9°	5.04	3.68	5.99	3.68
48.0°	5.05	3.69	6.00	3.69

(f) *Definitions of terms as used in these standards.* (1) "Reconstituted juice" means the product obtained by mixing thoroughly 3 parts by volume of distilled water and one part by volume of frozen concentrated grapefruit juice.

(2) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter leaving a zone of definitely clear liquid without any turbidity, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(3) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in frozen concentrated grapefruit juice.

(4) "Brix value" in frozen concentrated grapefruit juice is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correc-

tion for acid is added. (See Table III for corrections.)

TABLE III.—CORRECTIONS FOR OBTAINING BRIX VALUE¹

Citric acid, anhydrous (percent by weight)	Correction to be added to Refractometer Sucrose Value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to Refractometer Sucrose Value to obtain degree Brix value
2.0 percent	0.39	4.2 percent	0.81
2.2 percent	.43	4.4 percent	.85
2.4 percent	.47	4.6 percent	.89
2.6 percent	.51	4.8 percent	.93
2.8 percent	.54	5.0 percent	.97
3.0 percent	.58	5.2 percent	1.01
3.2 percent	.62	5.4 percent	1.04
3.4 percent	.66	5.6 percent	1.07
3.6 percent	.70	5.8 percent	1.11
3.8 percent	.74	6.0 percent	1.15
4.0 percent	.78		

¹ Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, p. 447, Aug. 15, 1939.

(g) *Explanation of analyses.* (1) The measurement of Brix value is determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the Official Methods of Analysis of the Association of Official Agricultural Chemists.

(2) "Acid," calculated as anhydrous citric acid, is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(3) "Recoverable oil" is determined by the following method:

(i) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2:

Gas burner or hot plate.

Ringstand and clamps.

Rubber tubing.

3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 400 grams of the thawed concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate.

(4) "Free and suspended pulp" is determined by the following method: Graduated centrifuge tubes with a capacity of 50 ml. are filled with the reconstituted grapefruit juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table IV, and the juice is centrifuged for exactly 10 minutes. As used herein, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp

in the tube is multiplied by 2 to give the percentage of pulp.

TABLE IV

Diameter	Approximate revolutions per minute	Diameter	Approximate revolutions per minute
10 inches	1,609	15½ inches	1,292
10½ inches	1,570	16 inches	1,271
11 inches	1,534	16½ inches	1,252
11½ inches	1,500	17 inches	1,234
12 inches	1,468	17½ inches	1,216
12½ inches	1,438	18 inches	1,199
13 inches	1,410	18½ inches	1,182
13½ inches	1,384	19 inches	1,167
14 inches	1,359	19½ inches	1,152
14½ inches	1,336	20 inches	1,137
15 inches	1,313		

(h) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated grapefruit juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(i) *Score sheet for frozen concentrated grapefruit juice.*

Size and kind of container	
Container mark or identification	
Label	
Liquid measure (Fl. ounces)	
Brix value of concentrate (corrected for acid)	
Anhydrous citric acid (%) by weight	
Brix value to acid ratio (—:1)	
Recoverable oil (ml./100 grams)	
Free and suspended pulp (%)	
Reconstitutes properly (Yes) (No)	
Appearance of fresh juice (Yes) (No)	
Factors	
Score points	
I. Color	20
II. Absence of defects	40
III. Flavor	40
Total score	100
Grade	

¹ Indicates limiting rule.

(j) *Effective time.* The United States Standards for Grades of Frozen Concentrated Grapefruit Juice (which is the first issue) contained in this section will

¹ Filed as a part of the original document.

become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087; 7 U. S. C. 1622)

Issued at Washington, D. C. this 5th day of November 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 51-13495; Filed, Nov. 7, 1951;
8:53 a. m.]

PART 68—REGULATIONS AND STANDARDS
FOR INSPECTION AND CERTIFICATION OF
CERTAIN AGRICULTURAL COMMODITIES
AND PRODUCTS THEREOF

SUBPART B—UNITED STATES STANDARDS
FOR BEANS

GRADE REQUIREMENTS

On October 5, 1951, a notice of rule making was published in the FEDERAL

REGISTER (16 F. R. 10162) regarding the proposed amendment of § 68.103 (a) of the United States standards for beans (7 CFR, 1950 Supp., 68.103 (a)). After due consideration of all relevant matters presented in connection with the aforesaid notice and pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the item for marketing service found in the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong.), said § 68.103 (a), is hereby amended to read as follows:

§ 68.103 Grades, grade requirements and grade designations. * * *

(a) Grades and grade requirements for the classes *Pea, Medium White, Marrow, Great Northern, Small White, Flat Small White, Large White, White, Kidney, Light Red Kidney, Dark Red Kidney, Western Red Kidney, Yelloweye, Old Fashioned Yelloweye, Small Red, Pink, Bayo, and Mung beans, and the classes of Miscellaneous beans* (see also paragraph (g) of this section).

Grade	Maximum limits of—				
	Defects consisting of splits, damaged beans, contrasting classes, and foreign material.				Classes that blend
	Total	Contrast- ing classes	Foreign material		
			Total	Stones	
	Percent	Percent	Percent	Percent	Percent
U. S. No. 1 ^{1 2 3}	2.0	0.5	0.5	.02	5.0
U. S. No. 2 ^{1 2 3}	4.0	1.0	1.0	.4	10.0
U. S. No. 3 ^{1 2 3}	6.0	2.0	1.5	.6	15.0
U. S. Substandard	U. S. Substandard shall include beans of any one of these classes which are not well screened or which otherwise do not come within the requirements of the specifications for the grade U. S. No. 1, U. S. No. 2, or U. S. No. 3, or for the grade of U. S. Sample grade.				
U. S. Sample Grade	U. S. Sample grade shall include beans of any one of these classes which are musty, or sour, or heating, or materially weathered, or which are weevily, or which have any commercially objectionable odor or which are otherwise of distinctly low quality.				

¹ The beans in grades U. S. No. 1, U. S. No. 2, and U. S. No. 3 of any one of these classes shall be well screened.

² The beans of the class Mung beans in grade U. S. No. 1 may contain not more than 0.1 percent, in grade U. S. No. 2, not more than 0.2 percent, and in grade U. S. No. 3 not more than 0.5 percent of clean-cut, weevil-bored beans.

³ The beans in each of the grades U. S. No. 1, U. S. No. 2, and U. S. No. 3 of the classes Yelloweye and Old Fashioned Yelloweye may contain an additional 5.0 percent of classes that blend, when such additional percentage consists of white beans which are similar in size and shape to the Yelloweye or Old Fashioned Yelloweye beans.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624; Pub. Law 135, 82d Cong. Interpret or apply sec. 203, 60 Stat. 1087, 7 U. S. C. 1622)

Since this amendment relieves restriction, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it may be made effective less than 30 days after its publication in the FEDERAL REGISTER. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of November 1951.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator,
Production and Marketing
Administration.

[F. R. Doc. 51-13484; Filed, Nov. 7, 1951;
8:53 a. m.]

Sec.

904.107 Computation of volume handled and of total of specific uses.
904.108 Determination and classification of plant shrinkage.

DUE DATES AND DETAILS OF HANDLERS' REPORTS

904.110 Due dates of reports of buyer-handlers, producer-handlers, and handlers who operate unregulated distributing plants.
904.111 Due dates of reports of handlers who purchase outside cream.
904.112 Details of pool handlers' reports.
904.113 Details of nonpool handlers' reports.

PAYMENTS TO PRODUCERS

904.120 Averaging of semimonthly butterfat tests.
904.121 Authorization for deductions.
904.122 Deductions for cooperative associations.

BUTTERFAT SUBJECT TO THE BUTTER AND CHEESE ADJUSTMENT

904.130 Definitions of terms, and applicable standards of identity.
904.131 General provisions for determining quantity subject to adjustment.
904.132 Assignment of identified butterfat to source.
904.133 Assignment of unidentified butterfat to source.

WEIGHTS OF FLUID PRODUCTS

904.140 Basis for determination of quantity.
904.141 Standard weights.

AUTHORITY: §§ 904.100 to 904.141 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 904.100 Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of October 18, 1951 (16 F. R. 10645), notice that the market administrator under Order No. 4, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR Part 904), was considering the issuance of proposed amended rules and regulations to supersede the currently effective rules and regulations (7 CFR 904.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amended rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., October 22, 1951. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amended rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 4, as amended, and as further amended October 1, 1951. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 4, the following amended rules and regulations are hereby issued, to be effective

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

Sec.

904.100 Findings and determinations.

CLASSIFICATION

904.101 Application of §§ 904.102 through 904.105.
904.102 Fluid milk products disposed of to consumers.
904.103 Fluid milk products manufactured into other milk products.
904.104 Miscellaneous uses.
904.105 Inventories.

PLANT SHRINKAGE

904.106 Requirement to establish plant shrinkage.

on and after the first day of October 1951.

CLASSIFICATION

§ 904.101 *Application of §§ 904.102 through 904.105.* Milk and milk products received by a handler shall be classified in accordance with the provisions of §§ 904.102 through 904.105, except when Class I classification is required under § 904.17.

§ 904.102 *Fluid milk products disposed of to consumers.* (a) Subject to the other paragraphs of this section, all fluid milk products disposed of to consumers, except cream and skim milk, shall be classified as Class I milk.

(b) Cream and skim milk shall be classified as Class II milk.

(c) Concentrated milk disposed of to bakeries or similar commercial users, and not thereafter disposed of for fluid consumption, shall be classified as Class II milk.

(d) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

§ 904.103 *Fluid milk products manufactured into other milk products.* Fluid milk products manufactured by a handler or dealer into other milk products shall be classified as Class II milk, unless the resulting milk product is subsequently reconverted into fluid milk products for which Class II utilization is not established. Specifically, the following shall be considered to be milk products:

Acidophilus milk.
Butter.
Buttermilk powder.
Casein.
Cheese and cheese paste.
Condensed buttermilk.
Condensed skim milk.
Eggnog.
Evaporated milk.
Evaporated skim milk.
Ice cream, ice cream mix, and similar frozen desserts.
Milk powder.
Nonfat dry milk solids (skim powder).
Sweetened condensed milk.
Whey and whey products.
Yogurt (Bulgarian milk).

§ 904.104 *Miscellaneous uses.* Fluid milk products used or disposed of by a handler or dealer in accordance with this section shall be classified as follows:

(a) Fluid milk products dumped or discarded, except milk suitable for human consumption as milk, shall be classified as Class II milk.

(b) Fluid milk products destroyed or spilled under extraordinary circumstances shall be classified as Class II milk.

§ 904.105 *Inventories.* All milk products on hand at any plant at the close of the month may be classified tentatively as Class II milk. Final classification shall be made when disposition of the milk products takes place.

PLANT SHRINKAGE

§ 904.106 *Requirement to establish plant shrinkage.* (a) Plant shrinkage may be considered as established only if both the volume of fluid milk products handled during the month and the total

of specific uses of fluid milk products during the month are established.

(b) If plant shrinkage is not established, the total quantity of fluid milk products not specifically accounted for shall be classified as Class I milk.

§ 904.107 *Computation of volume handled and of total of specific uses.* (a) The volume of fluid milk products handled by a handler during the month shall consist of the total receipts of fluid milk products at the handler's regulated plants, plus the opening inventory, and minus the closing inventory, at such plants.

(b) Each handler's total of specific uses of fluid milk products during the month shall consist of the total quantity of fluid milk products the specific disposition of which is established at the handler's regulated plants, minus the quantity of syrup or other flavoring material disposed of in flavored milk or flavored skim milk.

§ 904.108 *Determination and classification of plant shrinkage.* (a) Plant shrinkage shall be determined by deducting the total of specific uses from the volume handled. The remainder, if it can reasonably be considered to represent the loss or shrinkage in fluid milk products normally incurred by the handler in the receiving, processing, packaging, and distribution of the milk and milk products handled by him, shall be considered his plant shrinkage.

(b) The classification of plant shrinkage shall be determined by computing 2 percent of the volume handled, and comparing the result with the plant shrinkage. Plant shrinkage not in excess of such result shall be classified as Class II milk. Plant shrinkage in excess of such result shall be classified as Class I milk.

DUE DATES AND DETAILS OF HANDLERS' REPORTS

§ 904.110 *Due dates of reports of buyer-handlers, producer-handlers, and handlers who operate unregulated distributing plants.* For each month in which a handler is a buyer-handler, producer-handler, or the operator of an unregulated distributing plant, he shall file with the market administrator, on or before the 8th day after the end of the month, a report of his receipts and utilization of fluid milk products.

§ 904.111 *Due dates of reports of handlers who purchase outside cream.* Each handler who purchases bottling quality cream from nonpool handlers shall report on the 16th day of each month with respect to his purchases of such cream in the preceding 15 days, and shall report on the first day of the following month with respect to his purchases of such cream from the 16th day to the last day of the previous month.

§ 904.112 *Details of pool handlers' reports.* In addition to the information required by § 904.30, each pool handler shall report the following information:

(a) The respective quantities of milk received at each plant from producers whose farms are located not more than 40 miles, more than 40 miles but not more than 80 miles, and more than 80

miles from the State House in Boston; and the number of producers in each group;

(b) The total receipts at each plant, other than the plant of a qualified operating association, from producers who are members of each cooperative association qualified pursuant to § 904.71 and from producers who are nonmembers; and the number of producers in each group;

(c) The shipments of fluid milk products from each country pool plant; and

(d) The information necessary to calculate the amount of the butter and cheese adjustment provided for in § 904.44.

§ 904.113 *Details of nonpool handlers' reports.* Each nonpool handler shall report the following information:

(a) The receipts of fluid milk products at each plant from other handlers and dealers;

(b) The receipts of milk from his own production, and from other dairy farmers;

(c) The receipts of outside milk and of exempt milk.

(d) The total quantity of Class I milk disposed of to consumers without intermediate movement to another plant, showing the respective quantities so disposed of in the marketing area and outside the marketing area;

(e) The total quantity of Class I milk disposed of to individual handlers, dealers, and other milk route operators, showing the respective quantities so disposed of in the marketing area and outside the marketing area; and

(f) The total quantity of fluid milk products disposed of as Class II milk, and information as to the quantities so disposed of to individual handlers and dealers.

PAYMENTS TO PRODUCERS

§ 904.120 *Averaging of semimonthly butterfat tests.* In making payments for milk to each producer as required by § 904.61 (a), each handler may determine the average butterfat content of the milk by using the simple average of the butterfat tests of semimonthly composite samples of the milk, unless the difference between the semimonthly tests is more than two points (0.2%), or the quantity of milk delivered by the producer in either semimonthly period is as much as three times as large as his deliveries in the other semimonthly period.

§ 904.121 *Authorization for deductions.* In making payments to producers as required by §§ 904.60 and 904.61 (a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

§ 904.122 *Deductions for cooperative associations.* Upon receipt of notice from the market administrator that there is an error in the claim filed by a cooperative association pursuant to § 904.75, the handler shall be relieved of the obligation to make that part of the deductions which was claimed in error,

as determined by the market administrator.

BUTTERFAT SUBJECT TO THE BUTTER AND CHEESE ADJUSTMENT

§ 904.130 *Definitions of terms, and applicable standards of identity.* As used in §§ 904.131 through 904.133, the term "Cheddar-type cheese" shall mean Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, and part skim Cheddar cheese; and the term "salted butter" shall mean butter which contains not less than 1.5 percent of salt by weight. The definitions and standards of identity issued by the Food and Drug Administration of the Federal Security Agency, insofar as they are applicable, shall govern in determining whether a given product is Cheddar-type cheese or butter.

§ 904.131 *General provisions for determining quantity subject to adjustment.* (a) The butter and cheese adjustment shall not apply to the butterfat in receipts of milk from dairy farmers who are not producers, receipts of butterfat in farm-separated cream, and receipts of butterfat in other fluid milk products derived from nonpool milk, regardless of the form in which the butterfat is received or used at any plant.

(b) The butter and cheese adjustment shall not apply to butterfat processed into salted butter or Cheddar-type cheese at any plant other than a plant of the first handler of the butterfat or of a second person to which the butterfat is moved.

(c) In general, the butter and cheese adjustment shall apply only to butterfat processed into salted butter or Cheddar-type cheese during any of the months of April through July. In the case of movements of butterfat to the plant of a second person, however, the date of shipment to such person, rather than the date of processing, shall govern. Accordingly, the adjustment shall not apply to butterfat shipped to a second person during March, but shall apply to butterfat so shipped during July if the butterfat is otherwise eligible for the adjustment.

(d) The butter and cheese adjustment shall not apply to butterfat which is disposed of by the first handler or the second person in a form other than salted butter after being processed into that product. However, if the salted butter is held in inventory by the first handler or the second person at the close of any month, the butterfat in such butter may be tentatively considered as eligible for the adjustment, subject to proof of the form in which the butterfat was subsequently disposed of by the first handler or the second person.

(e) The butter and cheese adjustment may apply to the butterfat in route returns which is processed into salted butter or Cheddar-type cheese, except as provided in paragraph (a) of this section.

§ 904.132 *Assignment of identified butterfat to source.* When the source of butterfat processed into salted butter

or Cheddar-type cheese at any plant is established by the processor's records, the butterfat shall be assigned to that source.

§ 904.133 *Assignment of unidentified butterfat to source.* When the source of butterfat processed into salted butter or Cheddar-type cheese at any plant is not established by the processor's records, the butterfat so used shall be assigned in the following manner:

(a) Butterfat processed into salted butter shall first be assigned to the butterfat in receipts of farm-separated cream at the plant, unless the records establish other uses of the cream.

(b) Butterfat processed into salted butter or Cheddar-type cheese at a plant at which the receipts of butterfat in fluid milk products are derived partly from pool milk and partly from nonpool milk shall be assigned proportionately to butterfat derived from pool milk and from nonpool milk, except as provided in paragraph (a) of this section.

(c) After butterfat processed into salted butter or Cheddar-type cheese has been assigned to butterfat derived from nonpool milk as provided in paragraphs (a) and (b) of this section, any remaining quantity of butterfat so processed shall first be assigned to the processing handler's receipts from producers, and then to his receipts from other handlers.

(d) Butterfat shipped to the plant of another person for processing into salted butter or Cheddar-type cheese shall be assigned to the butterfat in the shipping plant's receipts from pool sources and from nonpool sources in the manner set forth in paragraph (b) of this section. The butterfat assigned to pool sources shall be considered eligible for the butter and cheese adjustment, but not in excess of the quantity of butterfat available at the shipping plant from the handler's receipts from producers.

WEIGHTS OF FLUID MILK PRODUCTS

§ 904.140 *Basis for determination of quantity.* The determination of the quantity of fluid milk products received or used by each handler or dealer shall be on the basis of the weight, in pounds, of the fluid milk products, except that in the case of concentrated milk the determination shall be on the basis of the weight, in pounds, of the fluid milk products used to produce the concentrated milk.

§ 904.141 *Standard weights.* In the absence of specific weights, the weight of fluid milk products received or disposed of in a quart or 40-quart container shall be determined according to the following table. The weight of such products in any other container shall be determined by multiplying the equivalent number of quarts by the respective standard weight per quart container, except that, in the absence of specific weights, the weight of such products in a 20-quart container shall be considered to be one-half of the applicable standard weight per 40-quart container.

TABLE OF STANDARD WEIGHTS

Product	Butterfat test (percent)	Weight (pounds)	
		Per quart container	Per 40-quart container
Milk.....	Any test	2.15	85.0
Flavored milk.....			
Skim milk.....	Any test	2.16	86.0
Flavored skim milk.....			
Buttermilk.....			
Cultured skim milk.....			
	16	2.136	84.20
	17	2.134	84.12
	18	2.132	84.04
	19	2.130	83.96
	20	2.128	83.88
	21	2.126	83.80
	22	2.124	83.72
	23	2.122	83.64
	24	2.120	83.56
	25	2.118	83.49
	26	2.116	83.41
	27	2.113	83.31
	28	2.111	83.21
	29	2.109	83.15
	30	2.108	83.09
	31	2.106	83.03
	32	2.105	82.97
Cream.....	33	2.103	82.91
	34	2.102	82.85
	35	2.100	82.80
	36	2.099	82.74
	37	2.097	82.68
	38	2.096	82.62
	39	2.094	82.56
	40	2.093	82.50
	41	2.091	82.44
	42	2.090	82.38
	43	2.088	82.32
	44	2.087	82.26
	45	2.085	82.20
	46	2.084	82.15
	47	2.082	82.09
	48	2.081	82.03
	49	2.079	81.97
	50	2.078	81.91

Issued at Boston, Massachusetts, this 24th day of October 1951.

[SEAL]

RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 51-13486; Filed, Nov. 7, 1951; 8:53 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASS., MARKETING AREA

Sec.

934.100 Findings and determinations.

CLASSIFICATION

- 934.101 Application of §§ 934.102 through 934.105.
- 934.102 Fluid milk products disposed of to consumers.
- 934.103 Fluid milk products manufactured into other milk products.
- 934.104 Miscellaneous uses.
- 934.105 Inventories.

PLANT SHRINKAGE

- 934.106 Requirement to establish plant shrinkage.
- 934.107 Computation of volume handled and of total of specific uses.
- 934.108 Determination and classification of plant shrinkage.

DUE DATES AND DETAILS OF HANDLER'S REPORTS

- 934.110 Due dates of reports of buyer-handlers, producer-handlers, and handlers who operate unregulated distributing plants.
- 934.111 Details of all handlers' reports.
- 934.112 Details of pool handlers' reports.

PAYMENTS TO PRODUCERS

- 934.120 Averaging of semimonthly butterfat tests.

Sec.

- 934.121 Authorization for deductions.
934.122 Deductions for cooperative associations.

WEIGHTS OF FLUID MILK PRODUCTS

- 934.140 Basis for determination of quantity.
934.141 Standard weights.

AUTHORITY: §§ 934.100 to 934.141 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 934.100 *Findings and determinations.* In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of October 18, 1951 (16 F. R. 10659), notice that the market administrator under Order No. 34, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area (7 CFR Part 934), was considering the issuance of proposed amended rules and regulations to supersede the currently effective rules and regulations (7 CFR 934.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amended rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., October 22, 1951. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amended rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 34, as amended, and as further amended October 1, 1951. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 34, the following amended rules and regulations are hereby issued, to be effective on and after the first day of October 1951.

CLASSIFICATION

§ 934.101 *Application of §§ 934.102 through 934.105.* Milk and milk products received by a handler shall be classified in accordance with the provisions of §§ 934.102 through 934.105, except when Class I classification is required under § 934.17.

§ 934.102 *Fluid milk products disposed of to consumers.* (a) Subject to the other paragraphs of this section, all fluid milk products disposed of to consumers, except cream and skim milk, shall be classified as Class I milk.

(b) Cream and skim milk shall be classified as Class II milk.

(c) Concentrated milk disposed of to bakeries or similar commercial users, and not thereafter disposed of for fluid consumption, shall be classified as Class II milk.

(d) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

§ 934.103 *Fluid milk products manufactured into other milk products.* Fluid milk products manufactured by a handler or dealer into other milk products shall be classified as Class II milk, unless the resulting milk product is subsequently reconverted into fluid milk products for which Class II utilization is not established. Specifically, the following shall be considered to be milk products:

Acidophilus milk.
Butter.
Buttermilk powder.
Casein.
Cheese and cheese paste.
Condensed buttermilk.
Condensed skim milk.
Eggnog.
Evaporated milk.
Evaporated skim milk.
Ice cream, ice cream mix, and similar frozen desserts.
Milk powder.
Nonfat dry milk solids (skim powder).
Sweetened condensed milk.
Whey and whey products.
Yogurt (Bulgarian milk).

§ 934.104 *Miscellaneous uses.* Fluid milk products used or disposed of by a handler or dealer in accordance with this section shall be classified as follows:

(a) Fluid milk products dumped or discarded, except milk suitable for human consumption as milk, shall be classified as Class II milk.

(b) Fluid milk products destroyed or spilled under extraordinary circumstances shall be classified as Class II milk.

§ 934.105 *Inventories.* All milk products on hand at any plant at the close of the month may be classified tentatively as Class II milk. Final classification shall be made when disposition of the milk products takes place.

PLANT SHRINKAGE

§ 934.106 *Requirement to establish plant shrinkage.* (a) Plant shrinkage may be considered as established only if both the volume of fluid milk products handled during the month and the total of specific uses of fluid milk products during the month are established.

(b) If plant shrinkage is not established, the total quantity of fluid milk products not specifically accounted for shall be classified as Class I milk.

§ 934.107 *Computation of volume handled and of total of specific uses.* (a) The volume of fluid milk products handled by a handler during the month shall consist of the total receipts of fluid milk products at the handler's regulated plants, plus the opening inventory, and minus the closing inventory, at such plants.

(b) Each handler's total of specific uses of fluid milk products during the month shall consist of the total quantity of fluid milk products the specific disposition of which is established at the handler's regulated plants, minus the quantity of syrup or other flavoring material disposed of in flavored milk or flavored skim milk.

§ 934.108 *Determination and classification of plant shrinkage.* (a) Plant shrinkage shall be determined by deducting the total of specific uses from

the volume handled. The remainder, if it can reasonably be considered to represent the loss or shrinkage in fluid milk products normally incurred by the handler in the receiving, processing, packaging, and distribution of the milk and milk products handled by him, shall be considered his plant shrinkage.

(b) The classification of plant shrinkage shall be determined by computing 2 percent of the volume handled, and comparing the result with the plant shrinkage. Plant shrinkage not in excess of such result shall be classified as Class II milk. Plant shrinkage in excess of such result shall be classified as Class I milk.

DUE DATES AND DETAILS OF HANDLERS' REPORTS

§ 934.110 *Due dates of reports of buyer-handlers, producer-handlers, and handlers who operate unregulated distributing plants.* For each month in which a handler is a buyer-handler, producer-handler, or the operator of an unregulated distributing plant, he shall file with the market administrator, on or before the 8th day after the end of the month, a report of his receipts and utilization of fluid milk products.

§ 934.111 *Details of all handlers' reports.* Each handler's report shall include the following information:

(a) The receipts of fluid milk products at each plant from other handlers and dealers, and from any of the handler's unregulated plants.

(b) The receipts of milk from his own production, and from other dairy farmers.

(c) The receipts of outside milk and of exempt milk.

(d) The butterfat test of Class I milk received from New York or Boston order pool plants.

(e) The respective quantities of Class I milk disposed of inside the marketing area and outside the marketing area, showing the quantities disposed of to consumers and the quantities disposed of to individual handlers, dealers, and other milk route operators.

(f) The total quantity of fluid milk products disposed of as Class II milk, and information as to the quantities so disposed of to individual handlers or dealers.

§ 934.112 *Details of pool handlers' reports.* Each pool handler's report shall include the following additional information:

(a) The respective total quantities of milk received at each plant from producers whose farms are located not more than 40 miles from the City Hall in Lawrence; from producers whose farms are located more than 40 miles from the City Hall in Lawrence but not more than 80 miles from the State House in Boston; and from producers whose farms are located more than 80 miles from the State House in Boston; and the number of producers in each group.

(b) Separate totals of receipts at each plant from producers who are members of each association of producers and from nonmembers; and the number of producers in each group.

(c) The name of each producer and the quantity of milk received from him, with the information subdivided according to the producer's farm location and member or nonmember status, as indicated in the preceding paragraphs of this section. However, this paragraph shall not apply to any pool plant at which milk was received from 50 or more producers during the month.

PAYMENTS TO PRODUCERS

§ 934.120 *Averaging of semimonthly butterfat tests.* In making payments for milk to each producer as required by § 934.61 (a), each handler may determine the average butterfat content of the milk by using the simple average of the butterfat tests of semimonthly composite samples of the milk, unless the difference between the semimonthly tests is more than two points (0.2%), or the quantity of milk delivered by the producer in either semimonthly period is as much as three times as large as his deliveries in the other semimonthly period.

§ 934.121 *Authorization for deductions.* In making payments to producers as required by §§ 934.60 and 934.61 (a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

§ 934.122 *Deductions for cooperative associations.* The following provisions shall apply with respect to the deductions which are provided for in § 934.70:

(a) Each handler shall be obligated to make deductions for an association of producers if the association files a claim with the handler for amounts to be deducted from the handler's payments to its members. The claim shall contain a list of the producers, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unexpired membership contract with each producer, authorizing the claimed deduction.

(b) Upon receipt of notice from the market administrator that there is an error in the claim filed by an association of producers pursuant to paragraph (a), of this section, the handler shall be relieved of the obligation to make that part of the deductions which was claimed in error, as determined by the market administrator.

WEIGHTS OF FLUID MILK PRODUCTS

§ 934.140 *Basis for determination of quantity.* The determination of the quantity of fluid milk products received or used by each handler or dealer shall be on the basis of the weight, in pounds, of the fluid milk products, except that in the case of concentrated milk the determination shall be on the basis of the weight, in pounds, of the fluid milk products used to produce the concentrated milk.

§ 934.141 *Standard weights.* In the absence of specific weights, the weight of fluid milk products received or disposed of in a quart or 40-quart container shall be determined according to the following table. The weight of such products in any other container shall be determined by multiplying the equivalent number of

quarts by the respective standard weight per quart container, except that, in the absence of specific weights, the weight of such products in a 20-quart container shall be considered to be one-half of the applicable standard weight per 40-quart container.

TABLE OF STANDARD WEIGHTS

Product	Butterfat test (percent)	Weight (pounds)	
		Per quart container	Per 40-quart container
Milk.....	Any test	2.15	85.0
Flavored milk.....			
Skim milk.....			
Flavored skim milk.....			
Buttermilk.....			
Cultured skim milk.....	Any test	2.16	86.0
	16	2.135	84.20
	17	2.134	84.12
	18	2.132	84.04
	19	2.130	83.96
	20	2.128	83.88
	21	2.126	83.80
	22	2.124	83.72
	23	2.122	83.64
	24	2.120	83.56
	25	2.118	83.49
	26	2.116	83.41
	27	2.113	83.31
	28	2.111	83.21
	29	2.109	83.15
	30	2.108	83.09
	31	2.106	83.03
	32	2.105	82.97
Cream.....	33	2.103	82.91
	34	2.102	82.85
	35	2.100	82.80
	36	2.099	82.74
	37	2.097	82.68
	38	2.096	82.62
	39	2.094	82.56
	40	2.093	82.50
	41	2.091	82.44
	42	2.090	82.38
	43	2.088	82.32
	44	2.087	82.26
	45	2.085	82.20
	46	2.084	82.15
	47	2.082	82.09
	48	2.081	82.03
	49	2.079	81.97
	50	2.078	81.91

Issued at Boston, Massachusetts, this 24th day of October 1951.

[SEAL]

RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 51-13487; Filed, Nov. 7, 1951;
8:53 a. m.]

PART 996—MILK IN THE SPRINGFIELD, MASS., MARKETING AREA

Sec. 996.100 Findings and determinations.

CLASSIFICATION

996.101 Application of §§ 996.102 through 996.105.
996.102 Fluid milk products disposed of to consumers.
996.103 Fluid milk products manufactured into other milk products.
996.104 Miscellaneous uses.
996.105 Inventories.

PLANT SHRINKAGE

996.106 Requirement to establish plant shrinkage.
996.107 Computation of volume handled and of total of specific uses.
996.108 Determination and classification of plant shrinkage.

DUE DATES AND DETAILS OF HANDLERS' REPORTS

996.110 Due dates of reports of buyer-handlers, producer-handlers, and handlers who operate unregulated distributing plants.

Sec.

996.111 Details of all handlers' reports.
996.112 Details of pool handlers' reports.

PAYMENTS TO PRODUCERS

996.120 Averaging of semimonthly butterfat tests.
996.121 Authorization for deductions.
996.122 Deductions for cooperative associations.

WEIGHTS OF FLUID MILK PRODUCTS

996.140 Basis for determination of quantity.
996.141 Standard weights.

AUTHORITY: §§ 996.100 to 996.141 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. and Sup. 608c.

§ 996.100 *Findings and determinations.* In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of October 18, 1951 (16 F. R. 10663), notice that the market administrator under Order No. 96, regulating the handling of milk in the Springfield, Massachusetts, marketing area (7 CFR Part 996), was considering the issuance of proposed amended rules and regulations to supersede the currently effective rules and regulations (7 CFR 996.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amended rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., October 22, 1951. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amended rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 96, as amended, and as further amended October 1, 1951. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 96, the following amended rules and regulations are hereby issued, to be effective on and after the first day of October 1951.

CLASSIFICATION

§ 996.101 *Application of §§ 996.102 through 996.105.* Milk and milk products received by a handler shall be classified in accordance with the provisions of §§ 996.102 through 996.105, except when Class I classification is required under § 996.17.

§ 996.102 *Fluid milk products disposed of to consumers.* (a) Subject to the other paragraphs of this section, all fluid milk products disposed of to consumers, except cream and skim milk, shall be classified as Class I milk.

(b) Cream and skim milk shall be classified as Class II milk.

(c) Concentrated milk disposed of to bakeries or similar commercial users, and not thereafter disposed of for fluid consumption, shall be classified as Class II milk.

(d) All fluid milk products disposed of and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

§ 996.103 *Fluid milk products manufactured into other milk products.* Fluid milk products manufactured by a handler or dealer into other milk products shall be classified as Class II milk, unless the resulting milk product is subsequently reconverted into fluid milk products for which Class II utilization is not established. Specifically, the following shall be considered to be milk products:

Acidophilus milk.
Butter.
Buttermilk powder.
Casein.
Cheese and cheese paste.
Condensed buttermilk.
Condensed skim milk.
Eggnog.
Evaporated milk.
Evaporated skim milk.
Ice cream, ice cream mix, and similar frozen desserts.
Milk powder.
Nonfat dry milk solids (skim powder).
Sweetened condensed milk.
Whey and whey products.
Yogurt (Bulgarian milk).

§ 996.104 *Miscellaneous uses.* Fluid milk products used or disposed of by a handler or dealer in accordance with this section shall be classified as follows:

(a) Fluid milk products dumped or discarded, except milk suitable for human consumption as milk, shall be classified as Class II milk.

(b) Fluid milk products destroyed or spilled under extraordinary circumstances shall be classified as Class II milk.

§ 996.105 *Inventories.* All milk products on hand at any plant at the close of the month may be classified tentatively as Class II milk. Final classification shall be made when disposition of the milk products takes place.

PLANT SHRINKAGE

§ 996.106 *Requirement to establish plant shrinkage.* (a) Plant shrinkage may be considered as established only if both the volume of fluid milk products handled during the month and the total of specific uses of fluid milk products during the month are established.

(b) If plant shrinkage is not established, the total quantity of fluid milk products not specifically accounted for shall be classified as Class I milk.

§ 996.107 *Computation of volume handled and of total of specific uses.* (a) The volume of fluid milk products handled by a handler during the month shall consist of the total receipts of fluid milk products at the handler's regulated plants, plus the opening inventory, and minus the closing inventory, at such plants.

(b) Each handler's total of specific uses of fluid milk products during the month shall consist of the total quantity of fluid milk products the specific disposition of which is established at the handler's regulated plants, minus the quantity of syrup or other flavoring material disposed of in flavored milk or flavored skim milk.

§ 996.108 *Determination and classification of plant shrinkage.* (a) Plant shrinkage shall be determined by deducting the total of specific uses from the volume handled. The remainder, if it can reasonably be considered to represent the loss or shrinkage in fluid milk products normally incurred by the handler in the receiving, processing, packaging, and distribution of the milk and milk products handled by him, shall be considered his plant shrinkage.

(b) The classification of plant shrinkage shall be determined by computing 2 percent of the volume handled, and comparing the result with the plant shrinkage. Plant shrinkage not in excess of such result shall be classified as Class II milk. Plant shrinkage in excess of such result shall be classified as Class I milk.

DUE DATES AND DETAILS OF HANDLERS' REPORTS

§ 996.110 *Due dates of reports of buyer-handlers, producer-handlers, and handlers who operate unregulated distributing plants.* For each month in which a handler is a buyer-handler, producer-handler, or the operator of an unregulated distributing plant, he shall file with the market administrator, on or before the 8th day after the end of the month, a report of his receipts and utilization of fluid milk products.

§ 996.111 *Details of all handlers' reports.* Each handler's report shall include the following information:

(a) The receipts of fluid milk products at each plant from other handlers and dealers, and from any of the handler's unregulated plants.

(b) The receipts of milk from his own production, and from other dairy farmers.

(c) The receipts of outside milk and of exempt milk.

(d) The butterfat test of Class I milk received from New York or Boston order pool plants.

(e) The respective quantities of Class I milk disposed of inside the marketing area and outside the marketing area, showing the quantities disposed of to consumers and the quantities disposed of to individual handlers, dealers, and other milk route operators.

(f) The total quantity of fluid milk products disposed of as Class II milk, and information as to the quantities so disposed of to individual handlers or dealers.

§ 996.112 *Details of pool handlers' reports.* Each pool handler's report shall include the following additional information:

(a) The respective total quantities of milk received at each plant from producers whose farms are located in any of the cities and towns listed in § 996.64 (a), from producers whose farms are located in the counties, cities, and towns listed in § 996.64 (b), and from producers whose farms are located outside both of these farm differential location areas; and the number of producers in each group.

(b) Separate totals of receipts at each plant from producers who are members of each association of producers and

from nonmembers; and the number of producers in each group.

(c) The name of each producer and the quantity of milk received from him, with the information subdivided according to the producer's farm location and member or nonmember status, as indicated in the preceding paragraphs of this section. However, this paragraph shall not apply to any pool plant at which milk was received from 50 or more producers during the month.

PAYMENTS TO PRODUCERS

§ 996.120 *Averaging of semimonthly butterfat tests.* In making payments for milk to each producer as required by § 996.61 (a), each handler may determine the average butterfat content of the milk by using the simple average of the butterfat tests of semimonthly composite samples of the milk, unless the difference between the semimonthly tests is more than two points (.2%), or the quantity of milk delivered by the producer in either semimonthly period is as much as three times as large as his deliveries in the other semimonthly period.

§ 996.121 *Authorization for deductions.* In making payments to producers as required by §§ 996.60 and 996.61 (a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

§ 996.122 *Deductions for cooperative associations.* The following provisions shall apply with respect to the deductions which are provided for in § 996.71:

(a) Each handler shall be obligated to make deductions for an association of producers if the association files a claim with the handler for amounts to be deducted from the handler's payments to its members. The claim shall contain a list of the producers, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unexpired membership contract with each producer, authorizing the claimed deduction.

(b) Upon receipt of notice from the market administrator that there is an error in the claim filed by an association of producers pursuant to paragraph (a) of this section, the handler shall be relieved of the obligation to make that part of the deductions which was claimed in error, as determined by the market administrator.

WEIGHTS OF FLUID MILK PRODUCTS

§ 996.140 *Basis for determination of quantity.* The determination of the quantity of fluid milk products received or used by each handler or dealer shall be on the basis of the weight, in pounds, of the fluid milk products, except that in the case of concentrated milk the determination shall be on the basis of the weight, in pounds, of the fluid milk products used to produce the concentrated milk.

§ 996.141 *Standard weights.* In the absence of specific weights, the weight of fluid milk products received or disposed of in a quart or 40-quart container shall

be determined according to the following table. The weight of such products in any other container shall be determined by multiplying the equivalent number of quarts by the respective standard weight per quart container, except that, in the absence of specific weights, the weight of such products in a 20-quart container shall be considered to be one-half of the applicable standard weight per 40-quart container.

TABLE OF STANDARD WEIGHTS

Product	Butterfat test (percent)	Weight (pounds)	
		Per quart container	Per 40-quart container
Milk.....	Any test	2.15	85.0
Flavored milk.....			
Skim milk.....	Any test	2.16	86.0
Flavored skim milk.....			
Buttermilk.....			
Cultured skim milk.....			
	16	2.136	84.20
	17	2.134	84.12
	18	2.132	84.04
	19	2.130	83.96
	20	2.128	83.88
	21	2.126	83.80
	22	2.124	83.72
	23	2.122	83.64
	24	2.120	83.56
	25	2.118	83.49
	26	2.116	83.41
	27	2.113	83.31
	28	2.111	83.21
	29	2.109	83.15
	30	2.108	83.09
	31	2.106	83.03
	32	2.105	82.97
Cream.....	33	2.103	82.91
	34	2.102	82.85
	35	2.100	82.80
	36	2.099	82.74
	37	2.097	82.68
	38	2.096	82.62
	39	2.094	82.56
	40	2.093	82.50
	41	2.091	82.44
	42	2.090	82.38
	43	2.088	82.32
	44	2.087	82.26
	45	2.085	82.20
	46	2.084	82.15
	47	2.082	82.09
	48	2.081	82.03
	49	2.079	81.97
	50	2.078	81.91

Issued at Boston, Massachusetts, this 24th day of October 1951.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 51-13489, Filed, Nov. 7, 1951;
8:55 a. m.]

PART 999—MILK IN THE WORCESTER, MASS., MARKETING AREA

Sec.
999.100 Findings and determinations.

CLASSIFICATION

- 999.101 Application of §§ 999.102 through 999.105.
999.102 Fluid milk products disposed of to consumers.
999.103 Fluid milk products manufactured into other milk products.
999.104 Miscellaneous uses.
999.105 Inventories.

PLANT SHRINKAGE

- 999.106 Requirement to establish plant shrinkage.
999.107 Computation of volume handled and of total of specific uses.
999.108 Determination and classification of plant shrinkage.

DUE DATES AND DETAILS OF HANDLERS' REPORTS

- Sec.
999.110 Due dates of reports of buyer-handlers, producer-handlers, and handlers who operate unregulated distributing plants.
999.111 Details of all handlers' reports.
999.112 Details of pool handlers' reports.

PAYMENTS TO PRODUCERS

- 999.120 Averaging of semimonthly butterfat tests.
999.121 Authorization for deductions.
999.122 Deductions for cooperative associations.

WEIGHTS OF FLUID MILK PRODUCTS

- 999.140 Basis for determination of quantity.
999.141 Standard weights.

AUTHORITY: §§ 999.100 to 999.141 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 999.100 *Findings and determinations.* In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of October 18, 1951 (16 F. R. 10664), notice that the market administrator under Order No. 99, regulating the handling of milk in the Worcester, Massachusetts, marketing area (7 CFR Part 999), was considering the issuance of proposed amended rules and regulations to supersede the currently effective rules and regulations (7 CFR 999.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amended rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., October 22, 1951. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amended rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 99, as amended, and as further amended October 1, 1951. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said order No. 99, the following amended rules and regulations are hereby issued, to be effective on and after the first day of October 1951.

CLASSIFICATION

§ 999.101 *Application of §§ 999.102 through 999.105.* Milk and milk products received by a handler shall be classified in accordance with the provisions of §§ 999.102 through 999.105, except when Class I classification is required under § 999.17.

§ 999.102 *Fluid milk products disposed of to consumers.* (a) Subject to the other paragraphs of this section, all fluid milk products disposed of to consumers, except cream and skim milk, shall be classified as Class I milk.

(b) Cream and skim milk shall be classified as Class II milk.

(c) Concentrated milk disposed of to bakeries or similar commercial users, and not thereafter disposed of for fluid consumption, shall be classified as Class II milk.

(d) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

§ 999.103 *Fluid milk products manufactured into other milk products.* Fluid milk products manufactured by a handler or dealer into other milk products shall be classified as Class II milk, unless the resulting milk product is subsequently reconverted into fluid milk products for which Class II utilization is not established. Specifically, the following shall be considered to be milk products:

Acidophilus milk.
Butter.
Buttermilk powder.
Casein.
Cheese and cheese paste.
Condensed buttermilk.
Condensed skim milk.
Eggnog.
Evaporated milk.
Evaporated skim milk.
Ice cream, ice cream mix, and similar frozen desserts.
Milk powder.
Nonfat dry milk solids (skim powder).
Sweetened condensed milk.
Whey and whey products.
Yogurt (Bulgarian milk).

§ 999.104 *Miscellaneous uses.* Fluid milk products used or disposed of by a handler or dealer in accordance with this section shall be classified as follows:

(a) Fluid milk products dumped or discarded, except milk suitable for human consumption as milk, shall be classified as Class II milk.

(b) Fluid milk products destroyed or spilled under extraordinary circumstances shall be classified as Class II milk.

§ 999.105 *Inventories.* All milk products on hand at any plant at the close of the month may be classified tentatively as Class II milk. Final classification shall be made when disposition of the milk products takes place.

PLANT SHRINKAGE

§ 999.106 *Requirement to establish plant shrinkage.* (a) Plant shrinkage may be considered as established only if both the volume of fluid milk products handled during the month and the total of specific uses of fluid milk products during the month are established.

(b) If plant shrinkage is not established, the total quantity of fluid milk products not specifically accounted for shall be classified as Class I milk.

§ 999.107 *Computation of volume handled and of total of specific uses.* (a) The volume of fluid milk products handled by a handler during the month shall consist of the total receipts of fluid milk products at the handler's regulated plants, plus the opening inventory, and minus the closing inventory, at such plants.

(b) Each handler's total of specific uses of fluid milk products during the month shall consist of the total quantity of fluid milk products the specific

disposition of which is established at the handler's regulated plants, minus the quantity of syrup or other flavoring material disposed of in flavored milk or flavored skim milk.

§ 999.108 *Determination and classification of plant shrinkage.* (a) Plant shrinkage shall be determined by deducting the total of specific uses from the volume handled. The remainder, if it can reasonably be considered to represent the loss or shrinkage in fluid milk products normally incurred by the handler in the receiving, processing, packaging, and distribution of the milk and milk products handled by him, shall be considered his plant shrinkage.

(b) The classification of plant shrinkage shall be determined by computing 2 percent of the volume handled, and comparing the result with the plant shrinkage. Plant shrinkage not in excess of such result shall be classified as Class II milk. Plant shrinkage in excess of such result shall be classified as Class I milk.

DUE DATES AND DETAILS OF HANDLERS' REPORTS

§ 999.110 *Due date of reports of buyer-handlers, producer-handlers, and handlers who operate unregulated distributing plants.* For each month in which a handler is a buyer-handler, producer-handler, or the operator of an unregulated distributing plant, he shall file with the market administrator, on or before the 8th day after the end of the month, a report of his receipts and utilization of fluid milk products.

§ 999.111 *Details of all handlers' reports.* Each handler's report shall include the following information:

(a) The receipts of fluid milk products at each plant from other handlers and dealers, and from any of the handler's unregulated plants.

(b) The receipts of milk from his own production, and from other dairy farmers.

(c) The receipts of outside milk and of exempt milk.

(d) The butterfat test of Class I milk received from New York or Boston order pool plants.

(e) The respective quantities of Class I milk disposed of inside the marketing area and outside the marketing area, showing the quantities disposed of to consumers and the quantities disposed of to individual handlers, dealers, and other milk route operators.

(f) The total quantity of fluid milk products disposed of as Class II milk; and information as to the quantities so disposed of to individual handlers or dealers.

§ 999.112 *Details of pool handlers' reports.* Each pool handler's report shall include the following additional information:

(a) The respective total quantities of milk received at each plant from producers whose farms are located in Franklin, Hampshire, Hampden, Worcester, Middlesex, or Norfolk counties in Massachusetts, and from producers whose farms are located outside these counties;

and the number of producers in each group.

(b) Separate totals of receipts at each plant from producers who are members of each association of producers and from nonmembers; and the number of producers in each group.

(c) The name of each producer and the quantity of milk received from him, with the information subdivided according to the producer's farm location and member or nonmember status, as indicated in the preceding paragraphs of this section. However, this paragraph shall not apply to any pool plant at which milk was received from 50 or more producers during the month.

PAYMENTS TO PRODUCERS

§ 999.120 *Averaging of semimonthly butterfat tests.* In making payments for milk to each producer as required by § 999.61 (a), each handler may determine the average butterfat content of the milk by using the simple average of the butterfat tests of semimonthly composite samples of the milk, unless the difference between the semimonthly tests is more than two points (0.2%), or the quantity of milk delivered by the producer in either semimonthly period is as much as three times as large as his deliveries in the other semimonthly period.

§ 999.121 *Authorization for deductions.* In making payments to producers as required by §§ 999.60 and 999.61 (a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

§ 999.122 *Deductions for cooperative associations.* The following provisions shall apply with respect to the deductions which are provided for in § 999.71:

(a) Each handler shall be obligated to make deductions for an association of producers if the association files a claim with the handler for amounts to be deducted from the handler's payments to its members. The claim shall contain a list of the producers, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unexpired membership contract with each producer, authorizing the claimed deduction.

(b) Upon receipt of notice from the market administrator that there is an error in the claim filed by an association of producers pursuant to paragraph (a), of this section, the handler shall be relieved of the obligation to make that part of the deductions which was claimed in error, as determined by the market administrator.

WEIGHTS OF FLUID MILK PRODUCTS

§ 999.140 *Basis for determination of quantity.* The determination of the quantity of fluid milk products received or used by each handler or dealer shall be on the basis of the weight, in pounds, of the fluid milk products, except that in the case of concentrated milk the determination shall be on the basis of the weight, in pounds, of the fluid milk

products used to produce the concentrated milk.

§ 999.141 *Standard weights.* In the absence of specific weights, the weight of fluid milk products received or disposed of in a quart or 40-quart container shall be determined according to the following table. The weight of such products in any other container shall be determined by multiplying the equivalent number of quarts by the respective standard weight per quart container, except that, in the absence of specific weights, the weight of such products in a 20-quart container shall be considered to be one-half of the applicable standard weight per 40-quart container.

TABLE OF STANDARD WEIGHTS

Product	Butterfat test (percent)	Weight (pounds)	
		Per quart container	Per 40-quart container
Milk.....	Any test	2.15	86.0
Flavored milk.....	Any test	2.16	86.0
Skim milk.....			
Flavored skim milk.....			
Buttermilk.....			
Cultured skim milk.....			
	16	2.136	84.20
	17	2.134	84.12
	18	2.132	84.04
	19	2.130	83.96
	20	2.128	83.88
	21	2.126	83.80
	22	2.124	83.72
	23	2.122	83.64
	24	2.120	83.56
	25	2.118	83.48
	26	2.116	83.40
	27	2.113	83.31
	28	2.111	83.21
	29	2.109	83.15
	30	2.108	83.09
	31	2.106	83.03
	32	2.105	82.97
Cream.....	33	2.103	82.91
	34	2.102	82.85
	35	2.100	82.80
	36	2.099	82.74
	37	2.097	82.68
	38	2.096	82.62
	39	2.094	82.56
	40	2.093	82.50
	41	2.091	82.44
	42	2.090	82.38
	43	2.088	82.32
	44	2.087	82.26
	45	2.085	82.20
	46	2.084	82.15
	47	2.082	82.09
	48	2.081	82.03
	49	2.079	81.97
	50	2.078	81.91

Issued at Boston, Massachusetts, this 24th day of October 1951.

[SEAL]

RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 51-13490; Filed, Nov. 7, 1951; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2]

PART 44—FOREIGN AIR CARRIER

REGULATIONS

CEILING AND VISIBILITY MINIMUMS

The following policies are hereby adopted:

§ 44.2-2 *Ceiling and visibility minimums (CAA policies which apply to § 44.2).* Ceiling and visibility mini-

mums for operations into and from airports in the United States by foreign air carriers will be established in accordance with the policies set forth in § 40.101-1 of this subchapter.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 604, 52 Stat. 1010, as amended; 49 U. S. C. 554)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

F. B. LEE,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 51-13420; Filed, Nov. 7, 1951;
8:45 a. m.]

[Supp. 4, Amdt. 2]

PART 60—AIR TRAFFIC RULES

SCHEDULED AIR CARRIER OPERATIONS

Section 60.47-2, published on August 10, 1950 in 15 F. R. 5155, is amended to read as follows:

§ 60.47-2 *Route of flight and communication procedures (CAA policies which apply to § 60.47)*—(a) *Off-airway operation.* If a flight is to be conducted over an off-airway route which may join or cross civil airways, or terminate within civil airways, the route of flight should be indicated by the identification of reporting points and other check points over which the flight will pass. The check points selected should be points over which the position of the aircraft can be accurately determined and should not be more than approximately 200 miles apart.

(b) *Reports of progress.* Pilots should report by radio, as soon as possible, the time and altitude of passing each designated reporting point and other check points specified in the flight plan.

(c) *Change of flight plan.* Any change of altitude or route of flight from that specified in the traffic clearance, should be reported to the air traffic control center within which flight advisory area the change is made. A change of flight plan should be reported and approval received before the change is made while operating within a control area; or if outside of control area, prior to entering a control area.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This policy shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

F. B. LEE,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 51-13421; Filed, Nov. 7, 1951;
8:45 a. m.]

Chapter II—Civil Aeronautics Administration

PART 608—DANGER AREAS

EDITORIAL NOTE: Federal Register Document 51-13192, appearing at page 11066 of the issue for Wednesday, Octo-

ber 31, 1951, has been corrected by changing the last paragraph to read as follows:

This part shall be effective October 30, 1951.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5870]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MORRIS HESSEL, INC., ET AL.

Subpart—*Advertising falsely or misleadingly: § 3.15 Business status, advantages, or connections—History:—Producer status of dealer or seller—Manufacturer:—Producer status of dealer or seller—Manufacturer as maker of raw material also or other products not made:—Qualifications and abilities:—Reputation, success, or standing:—Retailer as wholesaler, jobber or factory distributor: § 3.135 Nature; product or service; § 3.155 Prices; comparative:—Retail or selling as wholesale, jobbing, factory distributors, etc., or discounted:—Usual as reduced, special, etc.; § 3.240 Special or limited offers. Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal: § 3.1985 Individual's special selection or situation; § 3.2000 Limited offers or supply. Subpart—Using misleading name; goods: § 3.2315 Nature.* In connection with the offering for sale, sale and distribution of furs and fur garments in commerce, (1) representing, directly or by implication, (a) that respondents manufacture all of the products sold by them; or that respondents manufacture any of such products, unless respondents do in fact manufacture the products in connection with which such representation is made; (b) that respondents are wholesalers, or that the prices of respondents' products are wholesale prices or are lower than the prices of all other retailers; (c) that the prices at which respondents' products are offered at special sales are lower by 50 percent or any other designated percentage or amount, than the regular prices of such products, unless such is the fact; (d) that any sale conducted by respondents is a private sale and for selected customers only, or that the merchandise offered is not available for purchase by the general public, when such sale is in fact open to the public generally; (e) that respondent corporation was organized or began business prior to 1940; or (f) that respondent Morris Hessel is the author of the books "Facts You Should Know About Furs" or "The Fur Book of Knowledge"; and (2) using the word "Mouton" to designate or describe furs or fur products made from lamb peltries, unless such word is immediately followed by the words "Dyed Lamb," as "Mouton Dyed Lamb"; prohibited, subject to the provision, however, as respects the prohibition in clause (e) of part (1) of the order, that said prohibition shall not*

prohibit the individual respondent Morris Hessel from representing truthfully that he personally has had a longer period of experience in the fur business.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Morris Hessel, Inc., et al., Docket 5870, September 27, 1951]

In the Matter of Morris Hessel, Inc., a Corporation; and Morris Hessel, Lee Hessel and Tillie Hessel, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, trial examiner, upon the complaint of the Commission, and a stipulation which was entered into whereby it was stipulated and agreed that a statement of facts executed by counsel supporting the complaint and the respondents might be taken as the facts in this proceeding and in lieu of evidence in support of and in opposition to the charges stated in the complaint, and that the trial examiner might proceed upon such statement of facts to make his Initial Decision, stating his findings as to the facts, including inferences which he might draw from the stipulated facts, and his conclusion based thereon and enter his order disposing of the proceeding without the filing of proposed findings and conclusions or the presentation of oral argument. Said stipulation further provided that upon appeal to or review by the Commission, the stipulation might be set aside by it and the matter remanded for further proceedings under the complaint.

Thereafter the proceeding regularly came on for final consideration by said trial examiner, theretofore duly designated by the Commission, upon the complaint and stipulation, which had been approved by said trial examiner, who, after having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on September 27, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Morris Hessel, Inc., a corporation, and its officers, and Morris Hessel, Lee Hessel and Tillie Hessel, individually and as officers of said corporation, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of furs and fur garments in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondents manufacture all of the products sold by them; or that respondents manufacture any of such products, unless respondents do in fact manufacture the products in connection with which such representation is made.

(b) That respondents are wholesalers, or that the prices of respondents' products are wholesale prices or are lower than the prices of all other retailers.

(c) That the prices at which respondent's products are offered at special sales are lower by 50 percent, or any other designated percentage or amount, than the regular prices of such products, unless such is the fact.

(d) That any sale conducted by respondents is a private sale and for selected customers only, or that the merchandise offered is not available for purchase by the general public, when such sale is in fact open to the public generally.

(e) That respondent corporation was organized or began business prior to 1940: *Provided, however*, That this shall not prohibit the individual respondent Morris Hessel from representing truthfully that he personally has had a longer period of experience in the fur business.

(f) That respondent Morris Hessel is the author of the books "Facts You Should Know About Furs" or "The Fur Book of Knowledge."

2. Using the word "Mouton" to designate or describe furs or fur products made from lamb peltries, unless such word is immediately followed by the words "Dyed Lamb," as "Mouton Dyed Lamb."

By "Decision of the Commission and order to file report of compliance", Docket 5870, September 27, 1951, which announced and decreed fruition of said initial decision, report of compliance with said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 27, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-13445; Filed, Nov. 7, 1951;
8:50 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 11—SPECIAL PROVISIONS APPLICABLE TO COTTONSEED MEAL AND SOYBEAN MEAL

FORM 1100

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended

(7 U. S. C. 1-17a), § 11.01 (e), Chapter I, Title 17, Code of Federal Regulations (17 CFR 11.01 (e)) is hereby amended to read as follows:

§ 11.01 *Daily reports on Form 1100 by clearing members; information shown.*

(e) The quantity of meal represented by delivery notices passed back to the clearing organization or passed on to other clearing members during the period covered by the report.

The effect of this amendment will be to reduce the amount of information concerning delivery notices reportable on Form 1100 by clearing members of contract markets. Since the amendment will operate to relieve or liberalize a restriction and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary, and that the amendment should be made effective within less than thirty days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Issued this 2d day of November 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-13437; Filed, Nov. 7, 1951;
8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 603—INSTRUCTIONS TO STATE AGENCIES FOR PREPARATION AND SUBMITTAL OF STATE PLAN OF OPERATION UNDER THE WAGNER-PEYSER ACT

Pursuant to the authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, Reorganization Plan No. 2 of 1949 and by delegation from the Secretary of Labor, this part is revised to read as follows:

- Sec.
603.1 Letter of transmittal.
603.2 Legal material.
603.3 Organization and management.
603.4 Action taken to carry out United States Employment Service Regulations.
603.5 Program.
603.6 Service to veterans.
603.7 Labor market, operating, and activity reporting.
603.8 Employment service budget.
603.9 Fiscal standards.
603.10 Merit system standards.

AUTHORITY: §§ 603.1 to 603.10 issued under sec. 12, 48 Stat. 117; 29 U. S. C. 49k. Interpret or apply 48 Stat. 113, as amended, 58 Stat. 293; 29 U. S. C. 49-49l, 38 U. S. C. 695-695f.

§ 603.1 *Letter of transmittal.* All materials submitted to the Bureau by the State agency as part of its plan of operation—whether in the form of an original submittal or an amendment—should be accompanied by a letter of transmittal, prepared in accordance with the following provisions:

(a) *Request for approval.* The letter of transmittal should state that the ac-

companying statements and attachments are submitted as a plan of operation (or as amendments to a plan of operation) pursuant to the provisions of the Wagner-Peyser Act as amended. The Director of the Bureau of Employment Security should be requested to approve the plan (or the amendments) as submitted.

(b) *List of documents.* The letter of transmittal should list each section of the plan being transmitted and the document being submitted thereunder.

(c) *Submittal of the plan and amendments.* (1) The original letter of transmittal should state that the plan is submitted as a continuing plan, should designate the effective date, and should certify that the plan will be kept current by the submittal for incorporation in the plan of necessary amendatory materials.

(2) A similar letter of transmittal should accompany each amendment to the plan. The letter should request that the proposed amendments be incorporated in the plan, and should, if they are to be substituted for other provisions previously submitted and accepted, request that the substitution be made.

(d) *Signature.* The letter of transmittal should bear the signature and title of the State official or officials authorized under the State law to submit the plan of operation. If the State agency is a commission or other body, rather than a single official, the original letter of transmittal should be accompanied by a certified copy of the minutes of the commission or other body approving the plan and authorizing the signing official to submit the plan on behalf of the State agency.

§ 603.2 *Legal material.* Any newly adopted legal material, and any rescission or amendment of legal material previously incorporated in the plan, should be submitted currently, for approval as a part of the plan. Each new item of legal material should be accompanied by a statement identifying the previously incorporated legal material—including the page and section of the plan where it occurs—which the new legal material amends or renders obsolete.

(a) *Opinion of State Attorney General.* The legal material must include an opinion of the State Attorney General or other appropriate State official stating that the State statutes authorize the State agency to submit the plan and administer the State Employment Service, in accordance with the Act of June 6, 1933 (48 Stat. 113), as amended, and Title IV of the Servicemen's Readjustment Act of 1944 as amended.

(b) *Legislative and executive promulgations.* Legislative and executive promulgations submitted as a part of the plan should include constitutional and statutory provisions, proclamations, executive orders, administrative orders, rules and regulations, and any other materials which constitute or determine the legal basis for the plan, or any materials having the force or effect of law and affecting in any respect the operation of the State Employment Service (other than those affecting only fiscal management or personnel administration). This material must include the State

statute accepting the Wagner-Peyser Act and creating the State agency to administer the State-wide system of public employment offices in cooperation with the United States Employment Service. The material should also include legislation creating the department or agency of State government in which the State public employment office system is located. Organization and enabling laws to be submitted under this section of the plan include constitutional, statutory, and administrative legal materials relating to the establishment of the State agency and its program, accepting the provisions of the Wagner-Peyser Act, defining the relationships between the State agency and the department or other agency of State government in which it is located, and constituting the legal authority for the material required under all provisions of the plan.

(c) *Court decisions and legal opinions.* When any court decisions or legal opinions are rendered affecting any part of the plan or the operation of the State Employment Service, they should be submitted promptly. Opinions of appropriate State officials will be requested, for incorporation in the plan, when the intent of a statute or constitutional provision is not clear or if there is any question as to the authority of an agency to issue a rule or regulation or take any other action provided for in the plan.

§ 603.3 *Organization and management*—(a) *Official name.* Submit a statement giving the official name of the State Employment Service as used on all official signs, stationery, and documents.

(b) *State and local advisory councils.* Submit a statement showing the composition of the State advisory council when organized, the number of members representing employers, employees, and the public, respectively, and the frequency of regularly scheduled meetings. Indicate the number of women members. Submit the same information for any local advisory councils and any farm labor advisory councils that may have been established by the State agency.

(c) *Provision for field supervision and evaluation of local employment offices.* Describe the State program for field supervision designed to maintain adherence to policies and efficiency of employment service operations, including in the description the nature of such supervision, the manner in which it is exercised, and the methods used to evaluate local office operations.

(d) *Provision for staff training program for local employment offices.* Describe or submit a copy of the State policy on staff training. Describe the State program for staff training of local employment office personnel which is designed to assure understanding of the policies of the Employment Service and to help maintain adherence to those policies and efficiency of operations. Include in the description the nature of such staff training program, the manner in which it is exercised, and the method used to evaluate its effectiveness.

§ 603.4 *Action taken to carry out United States employment service regulations.* Submit a statement that the

State agency will comply with and carry out the regulation prescribed by the Secretary of Labor under the Wagner-Peyser Act and entitled "Cooperation of United States Employment Service and States in Establishing and Maintaining a National System of Public Employment Offices."

§ 603.5 *Program.* The materials submitted under this section of the plan of operation will demonstrate to the Department of Labor the nature and extent of the State agency's activity in carrying out its employment service program.

(a) *Nature of program.* Submit a statement indicating the employment service program or activities which the State agency proposes to carry out, in addition to the national six-point program set forth in §§ 602.2-602.7, inclusive, of this chapter.

(b) *Operating instructions.* Submit a statement that the State will adhere to the basic standards set forth as United States Employment Service Policies in the "Employment Security Manual" and will maintain an organization and procedures necessary to carry out effectively such policies. The statement should indicate one of two types of action by the State agency to make such policies and procedures effective:

(1) The adoption of the Manual as issued by the Bureau of Employment Security as the vehicle for issuing instructions on employment service matters to local offices, or

(2) The issuance of instructions on employment service matters to local offices through a State agency manual or bulletin series.

(c) *Interstate labor market areas.* Submit a copy of any arrangements made with an adjoining State or States, pursuant to § 602.2 (d) of this chapter with respect to a labor market area which includes parts of two or more States. (Do not include a statement of the clearance procedures or arrangements referred to in paragraph (d) of this section, or a listing of offices of direct clearance.)

(d) *Interstate clearance of labor.* Submit a statement that the State agency will maintain the procedures and programs set forth in subchapter 1800-1899, part II of the "Employment Security Manual," with respect to the interstate clearance of labor.

(e) *Agreement with the State vocational rehabilitation agency.* Submit a copy of arrangements made for cooperation between the State Employment Service and the State boards, departments, or agencies charged with the administration of State laws for the vocational rehabilitation of handicapped persons.

(f) *Agricultural and related industry placement.* Describe the State program for meeting the labor requirements of agriculture and related industries, making, if appropriate, cross references to material simultaneously submitted under § 603.3 (b) which sets forth a description of any farm labor advisory councils which may have been established.

(g) *State program for handicapped workers and other special applicant groups.* Describe the State employment

service program for meeting the needs of handicapped workers and other special applicant groups, including in the description the organizational and administrative arrangements made to assure the efficient and effective execution of such program.

§ 603.6 *Service to veterans.* Submit a statement that the State agency will maintain special services for veterans, in accordance with the provisions of the Wagner-Peyser Act, Title IV of the Servicemen's Readjustment Act of 1944, and policies of the Secretary of Labor governing the placement and counseling of veterans, and will carry out such organizational and administrative actions as may be necessary in connection therewith.

§ 603.7 *Labor market, operating, and activity reporting.* Submit a statement that the State reports concerning its employment service activities and operations, and containing information relating to labor supply and demand within the State, will be made in accordance with part III of the "Employment Security Manual" and such additional requests as may from time to time be made by the Director of the Bureau of Employment Security.

§ 603.8 *Employment service budget.* Submit a statement that, upon final approval by the Director of the Bureau of Employment Security, each budget request involving expenditures for employment service purposes and any change or adjustment in such a budget is to be incorporated as a part of the State plan of operation.

§ 603.9 *Fiscal standards.* Submit a statement that the State agency will carry out its fiscal activities in connection with its employment service program in a manner consistent with the fiscal standards prescribed by the Bureau of Employment Security.

§ 603.10 *Merit system standards.* Submit a statement that the State agency, in carrying out its merit system activities in connection with its employment service program, will adhere to the merit system standards prescribed by the Bureau of Employment Security.

Signed at Washington, D. C., this 31st day of October 1951.

ROBERT C. GOODWIN,
Director of the Bureau of
Employment Security.

[F. R. Doc. 51-13449; Filed, Nov. 7, 1951;
8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by

the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., 146; 16 F. R. 1581, 10593) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.216 *Aureomycin therapeutic formula for animal feed*—(a) *Potency*. Accurately weigh approximately 3.0 grams of the sample and place in a blender jar containing 200 milliliters of an acid-acetone solution prepared with one part 4N HCl, six parts distilled water, and 13 parts acetone. Blend for 3 minutes. Using an aliquot of the liquid, make the proper estimated dilutions in M/10 monopotassium phosphate buffer pH 4.5, shake well, and proceed as directed in § 141.201 (a) (8). Its content of aureomycin is satisfactory if it contains not less than 85 percent of the number of grams that it is represented to contain.

(b) *Moisture*. Proceed as directed in § 141.5 (a).

2. Part 146 is amended by adding the following new section:

§ 146.216 *Aureomycin therapeutic formula for animal feed; aureomycin and vitamin B₁₂ therapeutic formula for animal feed (if it is represented as containing vitamin B₁₂)*—(a) *Standards of identity, strength, quality, and purity*. Aureomycin therapeutic formula for animal feed is aureomycin in a suitable and harmless diluent with or without vitamin B₁₂. It contains not less than 5.0 grams of aureomycin per pound. Its moisture content is not more than 6.0 percent.

(b) *Packaging*. In all cases the immediate container shall be a well-closed container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not more than 10 pounds.

(c) *Labeling*. Each package shall bear on its label or labeling, as herein-after indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of grams of aureomycin and vitamin B₁₂ (if it is represented to contain vitamin B₁₂) in each pound of the batch.

(iii) The statement "For veterinary use only."

(iv) The statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such drug, including:

(i) Clinical indications.

(ii) Dosage and administration.

(iii) Contraindications.

(iv) Untoward effects that may accompany administration.

(d) *Request for certification; samples*.

(1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of grams of aureomycin in each pound of the batch, the quantity of each other ingredient used in making the batch and the date on which the latest assay of the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for average potency and average moisture.

(2) Such person shall submit in connection with his request a sample of the batch consisting of one ounce for each 5,000 immediate containers in the batch, but in no case less than 20 one-ounce portions or more than 100 one-ounce portions collected by taking single one-ounce portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(e) *Fees*. The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$1.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations, other than examination of such drug, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

3. In § 146.405 *Bacitracin with vasoconstrictor* * * *, the second sentence of paragraph (a) *Standards of identity etc.*, is changed to read: "The bacitracin is of such quantity that when dissolved as directed the potency of such solution is not less than 200 units per milliliter, and maintains its labeled potency after it has been kept for 7 days at room temperature."

4. In § 146.408 *Bacitracin ophthalmic*, the third sentence of paragraph (a) *Standards of identity etc.*, is changed to read: "The bacitracin is of such quantity that when dissolved as directed in its labeling the potency of such solution is not less than 500 units per milliliter and maintains its labeled potency after it has been kept for 7 days at room temperature."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

This order, which provides for tests and methods of assay and certification of two new antibiotic preparations, aureomycin therapeutic formula for animal feed and aureomycin and vitamin B₁₂ formula for animal feed; for bacitracin ophthalmic solution and bacitracin with vasoconstrictor to be stored for 7 days at room temperature, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for the changes set forth above.

Dated: November 5, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-13452; Filed, Nov. 7, 1951;
8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter B—Federal Home Loan Bank System [No. 4692]

PART 124—OPERATIONS OF THE BANKS

ELIMINATION OF CERTAIN RESTRICTIONS ON USE OF DEPOSITARIES BY FEDERAL HOME LOAN BANKS

NOVEMBER 2, 1951.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), § 124.11 of the regulations for the Federal Home Loan Bank System (24 CFR 124.11) is hereby amended, effective November 8, 1951, to read as follows:

§ 124.11 *Depositaries*. Each bank shall maintain a checking account with the Treasurer of the United States. The board of directors of a bank shall designate such further depositaries as the convenient operation of the bank shall require: *Provided*, That such depositaries shall, unless otherwise authorized, be members of the Federal Reserve System or of the Federal Deposit Insurance Corporation.

Resolved further that, this amendment relating to matters of agency policy and procedure, it is found that it is not necessary to issue such regulation with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act and, as it merely relieves a restriction, it is determined that it is not subject to the effective date limitation of section 4 (c) of the said act.

(Sec. 17, 47 Stat. 736; 12 U. S. C. 1437)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-13453; Filed, Nov. 7, 1951;
8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation,
Interpretation 44]

GCPR, INT. 44—CIGARETTE EXCISE TAXES

Under the Revenue Act of 1951, effective November 1, 1951, the federal excise tax on cigarettes has been increased 50 cents per thousand. Under section 20 (c) of the GCPR, as amended (Amendment 23 to GCPR, effective November 1, 1951) cigarette manufacturers may increase their ceiling price to reflect the appropriate amount of the tax increase paid by them, if the old tax was included in their ceiling price.

Several cigarette manufacturers have indicated that their usual method of billing is to bill at a list price (including federal cigarette taxes) minus a trade discount of 10 percent and a further discount of 2 percent for payment within 10 days. In order to arrive at a selling price which exceeds their pre-November ceiling price by 50 cents per thousand, the exact amount of the tax increase, while still following their customary method of billing at list price minus discounts, these manufacturers would have to use a list price which would exceed their pre-November list price by more than 50 cents per thousand. They have asked whether this is permissible.

Under section 20 of the General Ceiling Price Regulation, as amended, cigarette manufacturers who have customarily sold their cigarettes at a list price (including federal cigarette taxes) per thousand, subject to a 10 percent trade discount and a 2 percent discount for prompt payment, may increase their pre-November list price per thousand by an amount in excess of the tax increase: *Provided, That:*

(1) Their actual selling price (computed by deducting the 10 and 2 percent discounts from the new list price) to customers obtaining both the 10 and 2 percent discounts does not exceed the manufacturer's corresponding pre-November ceiling price plus the exact amount of the Federal cigarette tax increase; and

(2) Their actual selling price to customers obtaining only the 10 percent discount because of failure to make payment within 10 days does not exceed the manufacturer's corresponding pre-November ceiling price plus the exact amount of the Federal cigarette tax increase; and

(3) The actual amount to be paid by the customer shall be determinable from the face of every invoice; and

(4) The manufacturer continues all customary discounts.

Where a manufacturer thus increases his list price by the permitted amount per thousand, his customers, under section 20 (d) and (e) of the GCPR, as amended, may add to their pre-November ceiling prices for cigarettes only the actual increase in the net invoice cost actually paid by them after deduction

of any discounts. They may not add to their pre-November ceiling prices the difference between the manufacturer's previous list price and his increased list price. This means that if a manufacturer bills his customers at a list price more than 50 cents per thousand higher than his pre-November list price, these customers may not increase their pre-November ceiling prices by more than 50 cents per thousand.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HAROLD LEVENTHAL,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 6, 1951.

[F. R. Doc. 51-13540; Filed, Nov. 6, 1951;
4:45 p. m.]

[Ceiling Price Regulation 34, Supplementary
Regulation 7]

CPR 34—SERVICES

SR 7—CERTAIN WARRANTY SERVICE ON AUTOMOBILES, TRUCKS, BUSES AND TRACTORS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 7 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 7 to Ceiling Price Regulation 34 provides for dollar and cents price ceilings for specified warranty services in the automobile, truck, bus and tractor industry.

Manufacturers of automotive products contract with repair shops for the correction of product defects at a relatively low rate, amounting to approximately the cost of labor or about 50 percent of the rate usually charged to retail customers. This warranty service normally constitutes a small percentage (not over 1 or 2 percent) of the repair shops' service volume. When, as a result of product design or the use of unsuitable material or other causes, it becomes necessary to make a substitution of parts in such a large number of vehicles that the volume of service substantially affects repair shop facilities for supplying service to wholesale and retail customers, it has been the practice of some automotive product manufacturers to compensate repair shops at a higher rate for warranty services. This is to compensate the repair shop for foregoing its more lucrative retail business, and thereby assures the continued supply of the warranty service. In such cases, the amount paid by the manufacturer for warranty service has not uncommonly approximated the prevailing rates for supplying the same service to retail customers.

As a result of an attempt to conserve scarce materials in furtherance of the defense effort, a product defect has occurred which will require extensive replacement of upper steel tanks on automotive radiator core assemblies with brass tanks. This is a service for which

manufacturers normally have paid a very low rate in proportion to the cost of supplying the service. Because of the large number of vehicles involved, the principal manufacturer who will be purchasing this warranty service has petitioned the Office of Price Stabilization for permission to pay approximately retail prices for this service, rather than the customary lower warranty service charge. It has been asserted that under present conditions, the manufacturers involved will be unable to obtain this service at their customary rate, particularly because the costs of supplying this specific service have increased very materially during the past year. For these reasons, this regulation establishes dollars and cents ceiling prices to automotive manufacturers for radiator upper steel tank replacement services which are approximately the same as the charges made by repair shops to individual retail customers.

Industry representatives have been consulted in the preparation of this regulation and their recommendations have been fully considered. In the judgment of the Director, the prices established by this Supplementary Regulation 7 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.

1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Ceiling prices.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. Purpose. The purpose of this regulation is to establish a dollar and cents ceiling in the automobile, truck, bus and tractor industry for warranty service involving the replacement of a steel upper tank on an automotive radiator core assembly with an upper tank of brass or other serviceable materials.

SEC. 2. Relationship to Ceiling Price Regulation 34. All provisions of Ceiling Price Regulation 34, as amended, except as changed by the pricing provisions of this supplementary regulation shall remain in full force and effect. The filing requirements of section 18 (c) of Ceiling Price Regulation 34 do not apply to pricing actions taken under this supplementary regulation.

SEC. 3. Ceiling Prices. The ceiling prices that may be charged by sellers of automotive radiator repair service to automobile, truck, bus and tractor manufacturers for warranty service on automotive radiator core assemblies shall be as follows:

Schedule A—Automotive Radiator Upper Steel Tank Replacement.

Includes: Removal of an upper steel tank and installation of an upper brass tank or upper tank of other suitable material on an automotive radiator core assembly.

Does not include: Removal or installation of the radiator core assembly in the vehicle.

Passenger cars, $\frac{1}{2}$, $\frac{3}{4}$ and 1 ton trucks. \$7.20
 $1\frac{1}{2}$ ton and larger trucks, busses and
 tractors----- \$7.80

SEC. 4. Definitions. As used in this supplementary regulation, the term "warranty service" means the supplying of parts and labor for the correction of defects for the account of the product manufacturer.

Effective date. This supplementary regulation shall become effective November 7, 1951.

MICHAEL V. DiSALLE,
 Director,
 Office of Price Stabilization.

NOVEMBER 7, 1951.

[F. R. Doc. 51-13562; Filed, Nov. 7, 1951;
 11:29 a. m.]

[Ceiling Price Regulation 84]

CPR 84—CERTAIN CONVERTED PAPERBOARD
 PRODUCTS

CORRECTIONS

Through inadvertence, the words "or stationary" were omitted from section 1 (a) (2), the words "sold or" erroneously included immediately preceding the words "contracted to be sold" in section 3 (a) (2) and (3), concerning conversion and margin factors, and the phrase "Contract to Sell" defined in section 15 should have been "Contracted to be Sold."

Accordingly, the following corrections are made:

1. Section 1 (a) (2) is corrected to read as follows:

(2) Bobbins, cans, canisters, cones, cores, ribbon blocks, roving cans, spindles, spools, tubes, cylindrical paperboard casings and cans, related hollow paperboard and paper commodities partially or completely manufactured on an open-end rotating or stationary mandrel, of whatever size, shape, grade and specifications and having one or two open ends or one or two plugged or closed ends, and regardless of end-use.

2. Section 3 (a) (2) (ii) is corrected to read as follows:

(ii) Conversion charges for a commodity which was not offered or sold by you during the base period, but which may be made on the same equipment or by the same methods, or both, which you used during the base period, shall be your charges for your most comparable commodity contracted to be sold during the base period.

3. Section 3 (a) 3 (i) is corrected to read as follows:

(i) Where the commodity to be priced had been contracted to be sold by you to the same purchaser during the base period, your margin shall not exceed the margin employed in pricing the commodity contracted to be sold to the same purchaser during the base period. A change in color of ink or a change in printing copy shall not affect the sameness of the commodity. Differentials

for quantity or number of colors of ink in effect during the base period shall apply.

4. The first paragraph in section 3 (a) (3) (ii) is corrected to read as follows:

(ii) Where the commodity had not been contracted to be sold by you to the same purchaser during the base period, the margin shall not exceed the margin employed in pricing the most comparable commodity contracted to be sold to the same purchaser during the base period.

5. Section 3 (a) (3) (iii) is corrected to read as follows:

(iii) Where a commodity had not been contracted to be sold by you to a purchaser during the base period, the margin shall not exceed the margin employed in pricing the "most comparable commodity" (as defined in the preceding paragraph) contracted to be sold during the base period to the purchaser most closely resembling the prospective purchaser from the standpoint of quantity, credit classification and location.

6. The phrase "Contract to Sell" defined in section 15 shall be corrected to read "Contracted to be Sold".

(Sec. 704, 64 Stat., 816, as amended; 50 U. S. C. App. Sup. 2154).

MICHAEL V. DiSALLE,
 Director of Price Stabilization.

NOVEMBER 7, 1951.

[F. R. Doc. 51-13560; Filed, Nov. 7, 1951;
 11:28 a. m.]

[General Overriding Regulation 7, Amdt. 5]

GOR 7—EXEMPTION OF CERTAIN FOOD
 AND RESTAURANT COMMODITIES

CORN COBS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7 exempts corn cobs from price control.

Among other uses, corn cobs are a basic raw material used in producing furfural, a chemical of great importance to the economy. Furfural has over fifty industrial applications including use in refining a substantial percentage of the petroleum butadiene required for synthetic rubber production; in refining a large portion of solvent extracted lubricating oil; and in the manufacture of nylon, grinding wheels, naval stores and corrosion resistant equipment. In many of these manufacturing operations, there is no adequate substitute material.

Although there is no general shortage of corn cobs, the major manufacturer of furfural has stated that it has had difficulty in obtaining the increased corn cob supply that it requires. It has been

represented that the margins of sellers of corn cobs have been reduced by increasing costs of gathering and shipping them to furfural plants, in some cases to such an extent that operations have become unprofitable. The National Production Authority has joined with this producer of furfural in urging prompt and appropriate action to prevent any production bottleneck created by a short supply of cobs.

Consideration has been given to the possibility of issuing dollars-and-cents ceiling prices for cobs, or of providing adjustments in present ceiling prices sufficient to stimulate the cob supply. It has been decided, however, that in view of the great variances in cob suppliers' costs and ceiling prices in different regions, the only practicable immediate action is to exempt corn cobs from price control. Under similar circumstances in World War II, the Office of Price Administration decontrolled corn cobs through the issuance of Amendment No. 62 of Revised Supplementary No. 1 to the General Maximum Price Regulation.

Decontrol will have a relatively insignificant effect on the general level of prices. There is, in general, no acute demand for corn cobs. Consequently, it does not seem likely that there will be any significant increases in prices for corn cobs sold for fuel or for other uses. Moreover, the methods of using cobs in producing furfural are such that even relatively large increases in their prices would result in but slight increases in the unit costs of furfural. Under these circumstances, it appears that the advantages of decontrol outweigh the desirability of continued price regulation of corn cobs.

In the formulation of this amendment, there has been consultation with the representative of the industry which produces virtually the entire output of furfural made from corn cobs and with another interested governmental agency, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the exemption provided for by this regulation will not impair the carrying out of the requirements of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7 is amended by adding a new section to read as follows:

SEC. 8. Corn cobs. No ceiling price regulation issued, or which may be hereafter issued, by the Office of Price Stabilization shall apply to sales of corn cobs unless expressly so provided.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 10, 1951.

MICHAEL V. DiSALLE,
 Director of Price Stabilization.

NOVEMBER 7, 1951.

[F. R. Doc. 51-13558; Filed, Nov. 7, 1951;
 11:28 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, Direction 8, as Amended November 1, 1951]

M-1—IRON AND STEEL

DIR. 3—ORDER ACCEPTANCE; SET-ASIDE CANCELLATION

EDITORIAL NOTE: In F. R. Doc. 51-13316, appearing at page 11180 of the issue for Friday, Nov. 2, 1951, the following change should be made:

In the first sentence of the second paragraph of the preamble the words "and time restrictions" should be deleted and the word "were" should be changed to "was", so that the sentence now reads: "This amendment affects Dir. 3 as amended September 5, 1951, by deleting the percentage which was applicable with respect to a steel producer's acceptance of orders."

[NPA Notice 1, as Amended November 7, 1951]

DESIGNATION OF SCARCE MATERIALS; AND WITHDRAWAL OF CERTAIN MATERIALS FROM PREVIOUS DESIGNATION AS SCARCE

NPA Notice 1, as amended January 10, 1951, is further amended to read as follows:

NPA Notice 1, as amended, is issued pursuant to section 102 of the Defense Production Act of 1950, as amended (64 Stat. 799, Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105); Executive Order 10200 (16 F. R. 61); Executive Order 10281 (16 F. R. 8789); and Defense Production Administration Delegation 1, as amended (16 F. R. 738, 4594).

This amendment affects NPA Notice 1, as amended January 10, 1951, as follows: It designates additional scarce materials by adding them to List A of the notice, amends the description of certain scarce materials included in the list, and withdraws from the list certain materials formerly designated as scarce. Such materials withdrawn are listed in section 7. It sets forth, in sections 4, 5, and 6, certain conditions under which a person may accumulate scarce materials in excess of the reasonable demands of business, personal, or home consumption; and makes other changes of a minor nature.

Sec.

1. Purpose of this notice.
2. Definition of person.
3. Designation of scarce materials.
4. Receipts of imported materials.
5. Receipts of minimum production or sales quantities.
6. Receipts of materials after adjustment of orders.
7. Withdrawal of designation of scarce materials.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 102, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2072. E. O. 10161, Sept. 2, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Purpose of this notice.* Section 102 of the Defense Production Act of 1950, as amended, provides in part that, in order to prevent hoarding, no person shall accumulate (a) in excess of the reasonable demands of business, personal, or home consumption, or (b) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated as scarce materials or materials the supply of which would be threatened by such accumulation. This notice designates certain materials as scarce materials. It also prescribes in sections 4, 5, and 6, certain conditions under which a person may accumulate such materials in excess of the reasonable demands of business, personal, or home consumption.

SEC. 2. *Definition of person.* As used in this notice, the word "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 3. *Designation of scarce materials.* Each material included in List A appearing at the end of this notice, in the shapes and forms therein described, or in all shapes and forms if no particular shape or form is therein described, is hereby designated, pursuant to section 102 of the Defense Production Act, as amended, a scarce material. Whenever "material" or "materials" is hereinafter used, it means any such designated material or materials.

SEC. 4. *Receipts of imported materials.* (a) Notwithstanding any provision of this notice, a person may import by land, sea, or air, any material acquired by him prior to landing without regard to the reasonable demands of his business, personal, or home consumption. However, if his total quantity of a material accumulated thereby becomes in excess of the reasonable demands of his business, personal, or home consumption, he may not receive any additional amount of such material from any domestic source until his total quantity thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

(b) Within the meaning of paragraph (a) of this section, importation by a person is not limited to the person who takes title to the material prior to landing or who pays the customs entry thereon, but includes a person who, prior to landing, purchases or contracts to purchase the material from or through an importing broker, wholesaler, or other importer, even though such broker, wholesaler, or other importer makes the customs entry in his own name, places the material on board the inland carrier for shipment to his customer, and retains title until such shipment is made. Within the meaning of paragraph (a) of this section, a material is not imported by a person who acquires such material from an importing broker, wholesaler, or other importer

who took such material into his own stock or inventory.

SEC. 5. *Receipts of minimum production or sales quantities.* Notwithstanding any provision of this notice, in the case of materials that are mass produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such material, or from any other supplier, a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his accumulation of such material thereby becomes in excess of the reasonable demands of his business, personal, or home consumption. After such receipt, however, he may not receive any additional amount of such material until his accumulation thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

SEC. 6. *Receipts of materials after adjustment of orders.* Notwithstanding any provision of this notice, a person who has promptly instructed the supplier to reduce or defer delivery of a material under an order for such material previously placed by him with the supplier, to the extent necessary so that his accumulation of such material will not be in excess of the reasonable demands of his business, personal, or home consumption, may accept delivery of the material involved in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier has in stock or in production, or for the production of which he has acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and cannot readily dispose of to others.

(c) If the material has already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the books of the producer.

SEC. 7. *Withdrawal of designation of scarce materials.* The following materials described as scarce materials in List A of NPA Notice 1, as amended January 10, 1951, are hereby withdrawn from such designation on November 7, 1951:

BUILDING MATERIALS

Cast iron soil pipe and fittings.
Gypsum board, sheathing, and lath.
Insulation and insulation material in which pulp is a component.
Insulation board, structural, in which paper is a component.
Portland cement.

CHEMICALS

Alcohol, industrial (ethyl alcohol).
Benzene.
Glycerine, crude and refined.
Polystyrene.
Titanium pigments.

METALS AND MINERALS

Rare earth metals, other than cerium.

NPA Notice 1, as so amended, shall take effect on November 7, 1951.

NATIONAL PRODUCTION AUTHORITY,

By JOHN B. OLVERSON,
Recording Secretary.

LIST A—DESIGNATION OF SCARCE MATERIALS

[*Items preceded by asterisk have been added since original issuance of NPA Notice 1 as amended (Jan. 10, 1951)]

BUILDING MATERIALS

Cast iron pressure pipe and fittings.

CHEMICALS

- *Allethrin.
- *Alkyl phenols.
- *Alpha picoline.
- *Carbon disulfide.
- Carbon tetrachloride.
- Chlorine, gaseous and liquid.
- *Chloroform.
- *Chlorophenol-para.
- *Cobalt salts and driers.
- *Copper-8-hydroxyquinoline.
- *Copper chemicals.
- *Cyclohexanol.
- Dichlorobenzene, ortho, meta, and para.
- *Dihydroxydichlorodiphenyl methane.
- *Diphenylamine.
- *Ethylene oxide.
- *Freon.
- *Hexylresorcinol.
- *Hydrofluoric acid.
- *Iron oxide yellow.
- *Lithium salts.
- Methanol.
- Methyl chloride.
- Methylene chloride.
- *Naphthalene.
- *Naphthenic acid.
- *Nickel salts.
- *Nicotinimide.
- *Nicotinic acid.
- Nylon, plastic type.
- *Orthophosphoric acid.
- *Oxygen.
- *Parachlorophenol.
- *Paranitrophenol.
- *Phenol.
- *Phosphate plasticizers.
- *Phosphorus.
- Phthalic anhydride.
- Polyethylene.
- *Polyethylene resins.
- *Polytetrafluoroethylene.
- *Pyrethrum.
- *Pyridine.
- *Quinoline.
- *Resorcinol.
- *Resorcinol resins.
- *Sebacic acid.
- Styrene.
- *Sulfur.
- *Sulfuric acid.
- *Thiokol-polymers.
- Trichloroethylene.

FOREST PRODUCTS

- *Lumber (except railway cross ties, mine-ties, and hardwood flooring).
- *Plywood (softwood and hardwood).
- *Wood poles and piles.
- Wood pulp.
- Paper, paperboard, wet machine board, and construction paper and board materials, all types and grades.
- Converted paper and board products, all types and grades.

LEATHER AND TANNING MATERIALS

- *Hides and skins (domestic).
- *Vegetable tanning materials:
 - *Chestnut.
 - *Quebracho.
 - *Wattle.

IRON AND STEEL

Iron:

- Pig iron.
- Gray iron castings (excluding soil and pressure pipe and fittings) rough and semifinished; malleable iron castings, rough and semifinished.
- Steel (carbon, including low alloy, high strength alloy, and stainless):
 - Ingot and semifinished steel, including skelp; steel castings, rough and semifinished; structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, hot-rolled, including light shapes and reinforcing; cold-finished bars; pipe; tubing; wire, wire rods and drawn wire products; tin plate, terneplate, and tin mill black plate; hot-rolled sheet and strip; cold-rolled sheet and strip; other mill shapes and forms.
- Forgings, rough.
- Iron and steel scrap.

METALS AND MINERALS

Aluminum:

- Primary and secondary in crude form.
- Semifabricated shapes, castings (including die); forgings, plate, sheet, and strip; foil; rolled structural shapes, rod, bar, and wire; extruded shapes, tube, blooms, and tubing; powder, flake, and paste.
- All aluminum and aluminum-base scrap containing commercially recoverable aluminum.
- *Aluminum castings (before machining).
- *Aluminum forgings, pressings, and impact extrusions (before machining).
- Antimony, all forms.
- *Antimony scrap.
- Asbestos:
 - Amosite; grades B-1, B-3, D-3, and D3/M-1.
 - Chrysotile; grades G and G1, C and C2, C and CP1, and CP2, Arizona crude 1, and Arizona crude 2.
 - Crocidolite.
- *Beryllium; metals, oxides, alloys, and compounds.
- *Bismuth.
- *Boron:
 - Ferro-boron, boron metal, and all other alloys used as sources of boron.
- Cadmium:
 - Cadmium metal.
 - Cadmium oxide.
 - Cadmium salts.
- All scrap and secondary material containing commercially recoverable cadmium of the above listed types.
- *Calcium:
 - Calcium-silicon, calcium-manganese-silicon, and metallic calcium.
- Cerium:
 - Cerium metal, cerium alloys, such as ferro-cerium, and cerium compounds in which cerium is a recognizable component.
- All scrap and waste material containing commercially recoverable cerium of the above listed types.

Chromium:

- Chromium metal.
- Ferro-chromium, including chromium briquets.
- Chromium alloys, other, in which chromium is a recognizable component.
- All scrap and waste materials containing commercially recoverable chromium of the above listed types.

Cobalt:

- Cobalt, the element in any form and combination with other elements in which cobalt is an essential constituent (except cobalt concentrates, cemented carbide-tipped tools, cast cobalt-chrome-tungsten-molybdenum tools, alloy hard-facing welding rods and materials; and except paints, varnishes, lacquers, inks, and similar products, containing cobalt driers).

Cobalt—Continued

- All scrap or secondary materials containing commercially recoverable cobalt.
- Columbium:
 - Ferro-columbium, ferro-columbium-tantalum, potassium, columbium fluoride, columbium oxide, and columbium carbide.
- All scrap or secondary material containing commercially recoverable columbium of the above listed types.
- Copper:
 - Refined copper (fire-refined and electrolytic) including refinery shapes such as wire bars, slabs, cakes, billets, and ingots.
 - Secondary copper and copper-base alloys.
 - Copper and copper-base alloys: alloy plate, sheet, and strip; alloy rod, bar, and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar, and wire (including extruded shapes); unalloyed plate, sheet, and strip; unalloyed tube and pipe; copper wire and copper wire mill products; copper and copper-base alloy castings.
- All copper and copper-base alloy scrap containing commercially recoverable copper.
- *Corundum; grain and superfines.
- Diamonds, industrial.
- *Electrodes, carbon.
- *Fluorspar acid.
- *Graphite, artificial; electrodes and anodes.
- *Graphite, natural:
 - *Crucible flake.
 - *Madagascar flake.
 - *Ceylon lump, 95 percent and higher carbon.
- *Iridium.
- Lead, all forms.
- Magnesium:
 - Magnesium, primary and secondary ingots and intermediate forms (slabs, billets, and blooms).
 - Semifabricated shapes such as castings (die and all other); forgings, rolled and extruded shapes (rod and bar; plate, sheet, and strip; pipe and tubing; ribbons; and foil); powder and stick.
- All magnesium-base alloy scrap containing commercially recoverable magnesium.
- Manganese:
 - Manganese metal, ferro-manganese, spiegeleisen, and all other compounds and alloys which are used as sources of manganese in the manufacture of any alloy products.
- All scrap and material containing sufficient manganese to be of commercial value as an alloying agent.
- Mica; muscovite block, film, and splittings.
- Molybdenum:
 - Calcium molybdate; ferro-molybdenum; molybdenum metal, in any form; molybdenum oxide, bulk and briquet; molybdenum alloys and compounds, other, in which molybdenum is a recognizable component.
- All scrap and waste materials containing molybdenum of the above listed types.
- Nickel:
 - Nickel, alloyed or unalloyed.
 - Imported nickel matte.
 - Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
 - Nickel and nickel alloy, secondary.
 - Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
- All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
- *Osmium.
- Platinum:
 - Platinum and platinum-base alloy refinery shapes, including bar, ingot, grain, nugget, and sponge.

Platinum—Continued

Platinum and platinum-base alloy basic shapes and forms, including wire.
All platinum and platinum-base alloy scrap containing commercially recoverable platinum of the above listed types.

Scrap, nonferrous, all types.

*Selenium.

*Silicon:

All grades of ferro-silicon, including silvery iron or silicon pig; all grades of silicon metal; and all other compositions containing more than 6 percent silicon, which are used as sources of silicon in the manufacture of any alloy products.

Talc, block (steatite).

Tantalum:

Tantalum metal and alloys such as ferro-tantalum.
All scrap and waste material containing commercially recoverable tantalum of the above listed types.

Tin:

Tin, primary and secondary.
All alloys containing tin.
Tin; chemicals, including tin oxide.
Tin products such as tin pipe and sheet.
All tin and tin-base alloy scrap containing commercially recoverable tin content.

*Titanium:

*Ingot.

*Semifabricated shapes.

*Sheets, tubes, extrusions.

*All grades of ferro-titanium, titanium metal, and other alloys used to add titanium in the manufacture of any alloy product.

*All titanium-base alloy scrap.

Tungsten:

Tungsten, in any form or shape into which it may be fabricated: except such finished forms as are fabricated for installation (without further processing) into electrical communication systems, incandescent lamps, and electronic equipment such as radio, radar, and similar products.

Tungsten, ferro, metal powder, and any other ferrous combination of the element tungsten in semimanufactured or manufactured form, excluding alloy steel, high speed steel, and tool steel.

Tungsten, all nonferrous mixtures or alloys containing tungsten, prepared for any purpose requiring further processing, whether the same or manufactured by means of melting, pressing, sintering, brazing, soldering, or welding, including but not limited to mixtures or alloys to be used in the production of tools and tool blanks or as hard-facing materials; but not including any finished tools.

Tungsten, all chemical compounds having tungsten as a recognizable and essential component.

Tungsten, all scrap or secondary material containing commercially recoverable tungsten.

Vanadium:

Metallic vanadium and vanadium alloys such as ferro-vanadium.

Fused vanadium oxide and all other vanadium compounds in which vanadium is a recognizable component.

All scrap and waste material containing commercially recoverable vanadium of the above listed types.

Zinc:

Zinc, slab (all grades).

Zinc-base alloy in crude form.

Zinc, dust and oxide.

All zinc products such as rolled and extruded shapes, wire, and castings.

Zinc and zinc-base alloy scrap containing commercially recoverable zinc.

Zircon.

*Zirconium:

Zirconium metal, ferro-aluminum-zirconium, zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry and latex.

Synthetic rubbers, including latices, GR-S, butyl, neoprene, and N-types.

TEXTILE MATERIALS

*Bristle, nylon tapered.

Burlap Hessian (in the piece).

*Cotton duck, army (in the piece).

*Cotton duck, numbered (in the piece).

Cotton pulp.

*Feathers and down (waterfowl).

Nylon staple and nylon filament yarn

Rayon yarn, high tenacity.

*Silk, noils and waste.

*Twine, binder and baler.

*Webbing (heavy military types).

MISCELLANEOUS

*Aluminum foil, converted.

*Bristles.

*Cans.

*Collapsible tubes.

*Components and parts for electric light bulbs and tubes.

*Containers and fabricated products made wholly or partly from aluminum foil.

*Containers, metal delivery and fluid milk shipping containers.

*Containers, other shipping containers, packages and packaging materials.

*Cylinders, gas.

*Drums, steel, shipping.

Hog bristles, all types.

*Packaging closures.

*Reels and spools, shipping and package (wholly or in part of metal).

*Strapping, metal.

*Textile bags.

*Unit package, wrappers, and shipping containers of all types made wholly or partly from any of the following films and plastics:

Cellophane, cellulose acetate, cellulose acetate butyrate, ethyl cellulose, melamine resins and molding powders, methyl cellulose, phenolic resins and molding powders, pilsfilm, polyethylene, polystyrene and copolymers, polyvinyl alcohol, polyvinyl chloride and copolymers, polyvinylidene chloride and copolymers, urea resins and molding powders.

[F. R. Doc. 51-13552; Filed, Nov. 7, 1951; 10:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

GULF OF MEXICO OFF TEXAS COAST

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U. S. C. 419), § 205.35 establishing and regulating the use of two dumping grounds in the Gulf of Mexico off the Texas coast is hereby prescribed, as follows:

§ 205.35 *Gulf of Mexico off Texas coast*—(a) *The dumping grounds*—(1) *In vicinity of Sabine Bank.* (i) The waters of the Gulf of Mexico within a rectangular area bounded on the north by latitude 29°24', on the east by longitude 93°35', on the south by latitude

29°20', and on the west by longitude 93°45'.

(ii) This dumping ground shall be used only for the dumping of spent steel pickling liquor composed mainly of a weak solution of sulphuric acid and iron salts, principally sulphides, in water.

(2) *Southeast of Galveston.* (i) The waters of the Gulf of Mexico within a rectangular area described as follows: Beginning at latitude 28°58'45", longitude 94°35'00"; thence to latitude 29°02'30", longitude 94°39'30"; thence to latitude 29°11'00", longitude 94°30'00"; thence to latitude 29°07'00", longitude 94°25'30"; and thence to the point of beginning.

(ii) This dumping ground shall be used only for the dumping of treated industrial wastes composed mainly of concentrated sewage sludge.

(b) *The regulations.* (1) No dumping shall be done until prior permission therefor has been obtained from the District Engineer, Galveston District, Corps of Engineers. Application for such permission must be made to the District Engineer, 606 Santa Fe Building, Galveston, Texas, stating the character and approximate amount of refuse material to be deposited, the place from which it is to be taken, and the time when the work will be done, and describing the floating plant to be employed.

(2) The dumping and all operations connected therewith shall be subject to the supervision and approval of the District Engineer who may suspend the work or revoke the permission at any time. If inspections or any other operations by the United States are necessary in the interests of navigation, all expenses connected therewith shall be borne by the permittee.

(3) No dumping shall be commenced without prior notice thereof to the District Engineer, to be given in such form and at such advance time as may be directed by the District Engineer.

[Regs., Oct. 16, 1951, 827.41-ENGWO] (Sec. 4, 33 Stat. 1147; 33 U. S. C. 419)

[SEAL]

WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-13448; Filed, Nov. 7, 1951; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 51—OCCUPATIONAL CLASSIFICATION AND COMPENSATION OF EMPLOYEES OF CLASS A AND CLASS B TELEPHONE COMPANIES

Correction

In F. R. Doc. 51-13189, appearing at page 11188 of the issue for Friday, November 2, 1951, paragraph (b) of § 51.36 should read as follows:

(b) This classification shall be subdivided by Class A companies into groups as follows:

(1) *Chief operators.* Include in this group such employees as chief operators (day, evening, night, etc.), assistant

chief operators, supervisors performing management functions, chief service observers, and PBX and TWX visiting instructors and other instructors of customers.

(2) *Service assistants and instructors.* Include in this group service assistants (both operating room and attended pay-station), operating room instructors,

and all other service assistants and instructors (or supervisors) not performing management functions.

(3) *Experienced switchboard operators.* Include in this group such employees as telephone, PBX, or TWX switchboard operators; and information, intercept, or sender monitor operators. Such employees shall have at least 12

months' training and/or experience.

(4) *Operators in training.* Include in this group all student or junior operators during their first year of training in switchboard operation.

(5) *Other switchboard employees.* Include in this group such employees as public pay-station attendants and service observers.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 927]

[Docket No. AO 71-A 20-RO-1]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted, beginning at Elmira, New York, on January 24, 1950, pursuant to notice thereof issued on December 28, 1949 (14 F. R. 7940), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. The hearing was recessed on January 24, 1950 and reconvened during the period February 6-11, 1950 at Elmira, New York. A recommended decision was issued by the Assistant Administrator, Production and Marketing Administration, on May 16, 1950 (15 F. R. 3064) and exceptions thereto were filed. No final decision was issued.

Such public hearing was reopened at Elmira, New York on April 10, 1951, pursuant to notice thereof issued on March 20, 1951 (16 F. R. 2660), and was conducted during the period April 10-17, 1951 to receive further evidence on all issues previously considered at the hearing and on certain additional proposals.

Upon the basis of the evidence introduced at all sessions of the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 15, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on August 21, 1951 (16 F. R. 8275).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such

exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Rulings contained in the recommended decision upon proposed findings and conclusions submitted by interested persons are confirmed except as modified by the findings and conclusions set forth herein. To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues presented on the record of hearing (original and reopened sessions), and on which findings and conclusions are herein set forth, are concerned with:

1. The classification and pricing of surplus milk which presently is classified in Class III, with particular reference to:

(a) Whether all such milk should continue to be classified in a single class and priced, as at present, at the same level, and whether such price should continue to be subject to the present fluid skim and butter-cheese adjustments, or whether different classes and prices should be established for (1) milk which, prior to April 1, 1949, was classified in Class II-C, (2) milk utilized in the manufacture of ice cream, or (3) milk used in the manufacture of American cheddar cheese.

(b) The formula or formulas which should be employed in the pricing of such milk involving determinations as to (1) factors which should be included in such a formula to most accurately reflect changes in the value of surplus milk, and (2) how such factors should be converted to a price for Class III milk.

2. The classification and pricing of milk used in fluid concentrated milk and in frozen concentrated milk.

3. The classification and pricing of fluid milk packed in hermetically sealed cans and exported to foreign countries or delivered to the United States Department of Defense.

4. The classification and pricing of milk used in the manufacture of food products packed in hermetically sealed containers.

5. The classification and pricing of milk utilized at plants within the mark-

eting area in the manufacture of whipped topping mixtures.

6. Treatment under the order of milk obtained from either pool or nonpool sources which, in various forms, enters the marketing area for distribution to various types of outlets.

7. Whether the basis of classifying pool milk moved to nonpool plants should be changed.

8. Revision of the area outside which milk or cream may be shipped and remain eligible for classification other than at the plant from which the milk or cream is shipped.

9. Whether a special additional transportation allowance should be provided for milk moved by tank from plants outside the marketing area to processing plants in Nassau and Suffolk counties.

10. Whether milk received directly from farms at plants in Westchester County should be exempt from equalization.

11. Prohibiting changes in existing freight zones for pool plants or otherwise changing the basis of determining such zones.

12. Acknowledgement by the market administrator of reports filed by handlers.

13. Increasing the amount of the producer-settlement fund reserve.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

1. (a) *Single class for surplus milk.* It is concluded that surplus milk should continue to be classified in a single class and that a single price should continue to apply to all such milk, with such price subject to a modified plus fluid skim differential and a minus butter-cheese adjustment.

A major problem involved in pricing surplus milk is that of establishing a price to handlers which will result in optimum use of milk in the products which will afford the maximum return to producers. Other factors being equal, the use of surplus milk by handlers will be determined by the net return to be secured by handlers on such milk. The Secretary's decision of March 11, 1949, concluded (with reference to the then existing multiple price system applicable to surplus milk) that changing relationships between product values interfered with realization of the objective of securing a coincidence of the greatest net return to handlers on products which would yield the most to producers. The record of this hearing con-

tains no evidence to support a different conclusion.

Fluid skim differential. The order should be amended by elimination of the fluid skim differential on skim milk for all uses except skim milk as such distributed in the marketing area, skim milk used in cultured milk drinks distributed in the marketing area and for standardization of milk in or shipped to the marketing area.

The Department of Health of the City of New York permits the use of concentrated skim in the preparation of flavored milk drinks, although requiring any fluid skim milk so utilized to be from approved sources. Flavored milk drinks packed in hermetically sealed cans and sterilized are not required to be made from approved skim milk. To some extent handlers have avoided payment of the fluid skim differential by using concentrated, rather than fluid, skim milk in flavored milk drinks made in the marketing area. Such practice is yielding no price advantage to producers, and handlers contend that, because the saving in transportation of the concentrated product fails to offset the added cost of concentration, they are at a competitive disadvantage in the sale of such drinks. The fluid skim differential should no longer apply to skim milk used in flavored drinks.

The amendment as herein provided will also permit the use of skim milk in the marketing area in the standardizing of sweet and sour cream without the payment of the fluid skim differential. Although skim milk so utilized must be from approved sources, the order at the present time does not require the payment of a fluid skim differential unless standardization takes place in the marketing area. Eliminating the fluid skim differential on such skim milk will tend to equalize the costs between handlers standardizing in the marketing area and those standardizing outside of the marketing area. Under the terms of the proposed amendment the burden still rests upon the handler to show that skim milk from Class II and Class III milk is not used as fluid skim milk in the marketing area, in cultured milk drinks, or to standardize whole milk. However, inconsistencies in the application of the fluid skim differential to skim milk used in other products, depending upon whether the product is prepared inside or outside the marketing area, will be eliminated.

Butter-cheese adjustment. A price adjustment for milk used in butter and cheese was provided for in conjunction with the establishment in 1949 of a single class for surplus milk. Such an adjustment was largely in recognition of the apparent necessity for utilizing some surplus milk in these products. Even though substantial shifts in the utilization of surplus milk in higher value product outlets occurred in 1949 and 1950, it appears that the shift in utilization which has taken place or is in prospect is not sufficient to eliminate the necessity of utilizing a significant portion of surplus milk in butter and cheese.

No increase should be granted in the amount of the butter-cheese adjustment. It is concluded rather that a

moderate reduction should be made in the adjustment when cheese prices become comparatively high in relation to butter and powder prices. The price paid for milk subject to the butter-cheese adjustment will continue also to be affected by changes in the level of the Class III price.

An increase in the butter-cheese adjustment would result in making the utilization of milk in butter and cheese more advantageous to handlers than at the present time compared with other Class III uses. In other words, the incentive for handlers to find outlets for milk in products other than butter and cheese would be reduced. Such a change is not supported by evidence in the record.

Both butter and cheese manufacturers asserted or implied that their costs are not adequately reflected in the minimum price established for milk utilized in butter and cheese. One factor which butter manufacturers apparently have not considered in appraising the adequacy of the adjustment is the reduction in storage and handling which may be experienced when cream is churned, compared with that necessary when butterfat is disposed of in the form of cream. Data submitted concerning costs incurred in making cheese and churning butter are subject to the same limitations as those set forth hereinafter concerning costs of operating cream and nonfat dry milk solids processing facilities.

Cheese manufacturers proposed that milk used in the manufacture of cheese presently subject to the butter-cheese adjustment be priced on the basis of the price of cheese on the Wisconsin Cheese Exchange for the principal reason that cheese manufacturers invariably sell their cheese on the basis of that cheese price. Although proponents did not portray this proposal as a means of reducing the price of milk used in cheese, the proposed formula would have returned less to producers in each month of 1950 for milk used in cheese in amounts ranging from 16 to 36 cents per hundredweight. During the first three months of 1951 the proposed formula would have increased returns to producers in amounts ranging from 2 to 19 cents because the Wisconsin Cheese Exchange price of cheese during that period was unusually high in relation to prices of other dairy products. However, by the middle of April the price of cheese had declined to a level more in line with the 1950 relationship.

The present arrangement of pricing milk used in butter and cheese at the same level should be continued. That method provides some incentive for increasing cheese production as the price of cheese increases in relation to the price of butter and for increasing butter production when the price of butter increases in relation to the price of cheese, thus tending to permit a higher price to producers than could otherwise be established. Pricing of milk for cheese on cheese prices and milk for butter on butter prices would eliminate that incentive. The freight advantages for cheese and for butter produced in the milkshed over cheese and butter produced in the midwest are about the same on a milk

equivalent basis. Unregulated cheese factories and creameries in the important manufacturing milk production areas compete with each other for supplies of milk, and while prices paid to producers at a given time vary, as between areas and between plants in the same area, such prices on a year-round basis average about the same.

Temporarily however, these prices may get somewhat out of line with each other as they did during the first three months of 1951. In order that the increased value of milk for making cheese during such periods may be reflected in the price to producers, it is concluded that the order should be amended to provide a moderate reduction in the butter-cheese adjustment when market prices of butter and nonfat dry milk solids are less than 2.5 times the market price of cheese. It is only during unusual periods that the ratio between these prices is less than 2.5. The proposed amendment would not cause the price of milk to increase as rapidly as its value to cheesemakers. At the present level of support prices, an increase in the price of cheese of 1.43 cents per pound above the price resulting in a 2.5 ratio would bring about a theoretical increase in the value of milk for cheese of about 13 cents per hundredweight. Under the amendment herein provided, however (a reduction in the butter-cheese adjustment of 1 cent per pound of butterfat for each reduction of 1 point in the 2.5 ratio) such an increase in cheese prices would increase the price of milk used in butter and cheese only 3.5 cents per hundredweight. Such a provision recognizes that recovery by handlers of a 9 cent increase in the value of milk as a result of each 1 cent increase in the price of a pound of cheese would be possible only if all of the milk subject to the butter-cheese adjustment were shifted into cheese manufacture. As a practical matter, however, it appears unlikely that that would be the case, but that some of such milk would have to be used for butter and nonfat dry milk solids.

No increase in differential appears necessary when cheese prices become unfavorable since there will remain opportunity to shift surplus milk into butter. The proposed amendment will bring about no change in this connection from the order provisions presently in effect. Butter and nonfat solids values used in calculating the ratio should be those incorporated in the Class III pricing formula. Cheese values should be reflected by the prices quoted for cheddar cheese, f. o. b. Wisconsin assembly points by the United States Department of Agriculture. This price is recommended because it is established more frequently and on a broader basis than is the quotation from the Wisconsin Cheese Exchange at Plymouth. Trading on the Exchange takes place only one day each week. Volume of sales often is small or non-existent, and price quotations must sometimes be based on offers alone. Price quotations f. o. b. Wisconsin assembly points run slightly higher than those from the Exchange because of extra marketing services represented by the former. This fact has been con-

sidered in establishing the 2.5 ratio as contained in the amendment herein provided.

A proposal was considered at the hearing to establish an adjustment (in addition to the present butter-cheese adjustment) to the price of milk used for making cheese to reflect any departure from the normal historical relationship between the price of butter and the price of cheese. Most of the reasons given above for not adopting the proposal for a separate formula for the pricing of milk for cheese also apply to this proposal. Furthermore, the proposal fails to accomplish its apparent purpose of causing the price of milk for cheese to change with the price of cheese, particularly during periods when the Class III price is not based on butter prices.

Other proposals for new classes. Two other proposals for new classes were presented. A proposal was considered at the 1950 session of the hearing to reestablish a class similar to Class II-C as it existed prior to April 1, 1949. It was proposed that the price for this new class be 10 cents per hundredweight above the Class III price. Proponent contended that purchasers of cream which would be in the proposed class would pay a price high enough to justify increasing the return to producers by 10 cents per hundredweight on milk utilized in this manner.

From 1948 to 1950 the disposition of pool milk in the outlets included in the proposed new class about doubled. Important reasons for this increase appear to be (1) the revised surplus milk classification and pricing provisions which became effective on April 1, 1949, and (2) an increase of about 75 percent in the volume of surplus milk.

Most of the increase from 1948 to 1949 in disposition to outlets which would be included in the proposed new class occurred in shipments to northern New Jersey, and that shipments to upstate New York (all of New York State except the marketing area) were about the same in 1949 as in 1948. The record does not show the breakdown of shipments in 1950 between upstate New York and northern New Jersey. Apparently, price affected utilization of cream from pool sources to a greater extent in northern New Jersey than in upstate New York. On that basis, whatever justification exists for establishing the proposed new class appears to be greater with respect to outlets in upstate New York than with respect to outlets in northern New Jersey.

Another proposal considered at the hearing would establish a separate price for milk used to produce ice cream computed on the basis of an additional 2 cent premium over the butter price. In support of this proposal proponent contended that ice cream manufacturers could obtain butterfat from pool source at a lower cost than from other sources. However, in computing the costs of butterfat from various sources, it appears that proponent failed to take into account certain costs associated with the utilization of butterfat from pool sources.

The price which can be obtained from ice cream manufacturers for pool butter-

fat was one of the important considerations in establishing the present Class III pricing formula and also the one recommended herein, particularly during the spring and summer months when the volume of surplus milk, the production of ice cream, and the storage of butterfat for later use in ice cream and other products are heavy. Evidence in the record provides no basis for establishing a price for milk used for ice cream higher than for milk used for fluid cream.

The provisions of the order which permit a handler shipping milk or cream from his pool plant to a nonpool plant to elect to have classification determined at the pool plant were designed as a means of preventing or minimizing the possibility of classification of milk received from pool plants in classes higher than was contemplated by the purchaser.

Establishment of separate classes or prices for milk used in ice cream and in cream included in the former Class II-C apparently would necessitate (1) determination of the utilization of all butterfat received at any nonpool plant which disposed of butterfat in these outlets, and (2) assignment of butterfat received from various sources to the various utilizations. This could again introduce the possibility of classification of butterfat from pool sources disposed of to a nonpool plant in a class higher than was contemplated when the disposition was made. To the extent that such a possibility would discourage operators of nonpool plants from using milk or cream from pool plants, milk which in the absence of these proposed amendments would return producers the full Class III price might be forced into butter or cheese, thus returning producers less than the Class III price by the amount of the butter-cheese adjustment. Such a shift in utilization would tend to offset increases in returns to producers resulting from the higher class price. Because of these problems and on the basis of other findings and conclusions contained herein concerning a single class for surplus milk, it is concluded that a separate class or price should not be established for milk used in ice cream or for all or any part of the milk formerly classified as Class II-C.

(b) *The Class III formula; market values.* The price of Class III milk should continue to be based primarily on the market prices of nonfat dry milk solids, butter and cream. The present formula employing such market prices to measure changes in the value of Class III milk should be changed, however, in the following respects:

1. The midpoint of any range reported by the United States Department of Agriculture as a daily price quotation for Grade A (92-score) butter in the New York market should be used instead of the highest of such quotations.
2. The formula factor designed to convert the price per pound of butter to a price per pound of butterfat should be changed from 1.24 to 1.22.
3. A weighted average of prices paid for both roller and spray process nonfat dry milk solids f. o. b. manufacturing plants in the Chicago area, as reported

by the United States Department of Agriculture, should be substituted in the formula for prices reported in "The Producers' Price-Current" for roller process nonfat dry milk solids.

4. The nonfat dry milk solids yield factor used in the formula should be changed from 7.5 to 7.8.

During times when there are relatively large quantities of surplus milk to be disposed of the butter price quotation at New York appears to be the best available indicator of changes in the value of butterfat for those outlets then available. During 1950 the volume of Class III milk ranged from 90.6 million pounds in November to 413.5 million pounds in May. Approximately 51 percent of the surplus pool milk in May 1950 was utilized in fluid cream, storage cream, cream cheese and ice cream with an additional 20 percent in butter. For the year, ice cream was the largest single outlet. Since most of the users for surplus pool milk have the alternative of obtaining the supplies of butterfat from nonpool sources, the price at which such supplies can be obtained is an important consideration in establishing the price of Class III milk.

Although the quotation of a range in New York butter prices indicates that actual sales were consummated at both extremes of the range, and perhaps at prices between the two extremes, no information is reported concerning the relative volumes sold at various prices within the range. Without such information, it is logical to assume that the midpoint of the range would be more likely to be representative of the average price at which butter was sold. Use of the midpoint as compared with using the highest point would reduce the effect of any attempt to influence the price artificially through sales at a price higher than prices at which other sales are being made. Some opinions were expressed or implied that the New York Mercantile Exchange butter quotations should be used in the formula. Much of the wholesale trading in butter in New York takes place outside of the Exchange. The prices quoted by the United States Department of Agriculture are based on sales made both through the Exchange and outside of it. Prices reported by the Department may be expected to be somewhat more representative than the Exchange prices.

The price of nonfat dry milk solids should be retained as an estimate of the value of the nonfat portion of the milk. A large share of the skim from surplus milk continues to be marketed in this form. Nonfat dry milk solids represents the residual outlet for surplus skim milk which cannot be marketed in other forms. On the other hand, changes in the production of nonfat dry milk solids from pool milk are less likely to influence market prices for this product than for other skim milk products.

Both butter and nonfat dry milk solids are purchased by the Government in connection with its price support program. Use of these products to reflect market values ties the Class III price indirectly to the Government's price support program.

Revision of some of the formula factors used for reflecting the value of the

nonfat portion of Class III milk appears to be desirable in order to bring about appropriate changes in the Class III price with changing market conditions. Approximately one-half of the nonfat dry milk solids for human consumption produced from pool milk during each of the last 3 years was made by the spray process. The difference between spray and roller process nonfat dry milk solids prices averaged a little over one cent in 1947 and 1948, about one and one-half cents in 1949 and increased to about 2 cents in 1950. The difference between the prices at which the United States Department of Agriculture is offering to buy spray and roller process nonfat dry milk solids for price support purposes has been two cents per pound since January 1, 1950, and that difference is scheduled to continue through March 1952.

It is concluded that changes in the value of the skim milk portion of Class III milk would be more accurately reflected by giving some weight in the formula to changes in the price of nonfat dry milk solids produced by the spray process rather than depending upon prices for roller process solids alone. Accordingly, it is concluded that spray and roller process prices should be given weights of 30 and 70 percent respectively. Greater weight is given to the roller process product because it is relatively more important during those months when the volume of surplus milk is the largest. Some handlers are not at present equipped to produce nonfat solids by the spray process. While a somewhat different weighing might be assigned if the record contained more complete information concerning the disposition of skim milk other than that used for nonfat dry milk solids, the 30-70 weighting here assigned will certainly reflect changes in the value of skim milk more accurately than the use of roller process prices alone.

The prices for nonfat dry milk solids, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture, should be used in place of prices reported in "The Producers' Price-Current." Use of an f. o. b. manufacturing plant price eliminates the necessity for providing an allowance for transportation to market. Changes in the cost of transportation are reflected in changes in the f. o. b. manufacturing plant price.

Evidence in the record indicates that some of the nonfat dry milk solids sold in New York City may not meet the grade and quality requirements for sale to the Department of Agriculture. Substantial quantities of nonfat dry milk solids made from pool milk have been sold to the Department of Agriculture under its price support program. It appears likely that the average quality of nonfat dry milk solids sold in New York City has been lower than the average quality of nonfat dry milk solids produced from pool milk and lower than in years prior to 1949 when nonfat dry milk solids were not purchased by the Department of Agriculture for price support purposes. A price of nonfat dry milk solids sold f. o. b. manufacturing plant

may be expected to reflect the average quality of powder produced.

The Boston weighted average cream price should be retained as an alternative basis for establishing the value of butterfat in Class III milk during the months of August through February. While the number of cream transactions represented by this price is not large, particularly in months when locally produced cream is in abundant supply, evidence in the record shows the Boston weighted average cream price to be a reasonably accurate measure of the price of all cream traded in the Boston market. In addition, it appears that the volume of cream traded tends to be largest, and therefore represents a more reliable basis, during the fall and winter months when the Boston cream price may be effective in setting the Class III price.

It was contended by representatives of the ice cream manufacturers that the use of the Boston weighted average cream price in the Class III formula tends to subject them to various uncertainties of supply resulting from local northeastern conditions. It must be recognized, however, that ice cream is not one of the essential uses which must be supplied at all seasons of the year from current milk production. Ice cream is an outlet for surplus milk and should be priced accordingly. Ice cream manufacturers, like others that make use of surplus milk, can expect to obtain pool milk to supply their needs only if adequate surplus milk is available.

When surplus milk becomes short, that which is available should be priced to yield the highest returns to producers by increasing the Class III price in line with increases in the value of those products which provide the most favorable outlets. Buyers of surplus cream who need it for use as cream probably are in a position to pay the most for surplus milk under such market conditions. Unfortunately a usable quotation of prices actually received by New York pool handlers for substantial quantities of cream made from Class III milk is not available. In the absence of such a quotation, the Boston weighted average price appears to be the best available measure of the value of surplus pool butterfat when cream is in relatively short supply. The objective of making the most economical and efficient use of surplus milk would appear to be served best if ice cream manufacturers assure themselves of butterfat supplies through the storage of cream from pool milk during periods of the year when substantial quantities of surplus milk are available. Retention of the present provisions of the order relating to storage cream payments will continue to provide some incentive to handlers to store cream.

It was contended that an unwarranted increase in the price of Boston cream might drive the price of New York surplus milk so high as to discourage its use in production of ice cream. There is nothing in the record to indicate that the price of Boston cream is likely to increase materially when locally produced milk is in abundant supply. It was brought out, on the other hand, that any increase in the price of Boston cream

relative to butter prices will increase the margin available to New York handlers from sales of cream in Boston up to the point where butterfat values under the cream formula equal those in the butter formula. Increases in cream prices beyond that point would make butter an increasingly unfavorable outlet relative to cream. In view of the increased incentive which New York handlers would have under these circumstances to sell cream in the Boston market, and considering the small volume of cream traded in Boston in relation to the amount of cream which can be made from surplus milk in the New York pool, it is unlikely that the price of butterfat in Boston cream will advance materially beyond the price of butterfat in butter so long as surplus milk supplies are large. During one month between April and December 1949 Boston cream prices advanced because of supply conditions to the point where they became effective in setting the Class III price. More New York pool cream was included in the Boston weighted average in that month than in any other during this period. Also, during the period August 1950 through February 1951 when the Boston cream price was effective in setting the Class III price the quantity of cream received at Boston from the midwest was relatively large.

Margins available to New York pool handlers on cream sold in Boston were higher, thus providing a larger incentive to ship cream to Boston, during those periods when the Boston cream price was effective in setting the Class III price than during other periods. That handlers were able to dispose of pool milk on relatively favorable terms and to desirable markets during those months when the Boston weighted average set the Class III price is evidenced by the fact that handling charges obtained in sales of fluid milk, as well as percentage utilization of surplus milk in cream and ice cream, were comparatively high during such months. At the same time ice cream makers tended to increase their use of butter due to the reduced supplies of surplus milk and the relatively high market prices for fat in cream.

Conversion of product market values to a Class III price. The above listed recommended changes in existing formula factors are primarily for the purpose of causing more timely and otherwise appropriate changes to be reflected in the Class III price as market values of surplus milk products change. However, the effect of such changes in the formula on the level of the Class III price must be appraised.

During the 12 months ending in March 1951 the average of the differences between the monthly averages of the highest prices reported for New York 92-score butter and the averages of the midpoints was 0.21 cent. The use of midpoints during that period would have resulted in an average reduction in the Class III price of about 0.9 cent.

It was contended at the hearing that the yield factor for butter should be reduced so as to allow for butterfat losses which occur in the handling and separating of milk. Providing for such

a loss allowance in the conversion factor is reasonable since by so doing the actual amount of the loss allowance is caused to vary with the market value of butterfat. By reducing the theoretical conversion factor for butter from 1.24 to 1.22, a loss allowance of about 1.5 percent is provided during the months when the butter price becomes the basis for the Class III butterfat value. The effect of this change on the Class III price would be to reduce it about 5.0 cents per hundredweight (assuming a butter price of 69 cents per pound).

Evidence in the record indicates that about 7.8 pounds of nonfat dry milk solids are actually obtained from a hundredweight of milk after separating out 40 percent cream. Accordingly, it is concluded that the yield of 7.5 pounds which is presently reflected in the Class III formula should be changed to 7.8. At the roller support price of 13 cents per pound for nonfat dry milk solids, this change would result in increasing the Class III price 3.9 cents.

Based on the difference from June 1950 through May 1951 between the weighted average of the f. o. b. Chicago area manufacturing plant prices for roller and spray nonfat dry milk solids and the price of New York roller process nonfat solids (0.28 cent) it is estimated that shifting to the use of the Chicago area quotations for spray and roller nonfat solids will increase the Class III price about 2.2 cents (0.28×7.8). Since nonfat dry milk solids prices for months later than March 1951 are not in the hearing record, official notice of such prices is being taken.

The foregoing recommended changes would have the estimated net effect of increasing the Class II price by about 0.2 cent. This increase as calculated represents an average of the effect which would be brought about by the butter formula. During the months from August through February, however, the Class III butterfat value may be determined by the Boston weighted average cream price. Since no change in the conversion factor of 33.48 is recommended, the result would be a somewhat larger increase when cream prices become effective.

The record indicates that the average can of cream included in the Boston weighted average contains slightly less than 33 pounds of butterfat. Use of the 33.48 factor in the formula therefore has the effect of understating the market value of a pound of butterfat as reflected by Boston cream by about 1.5 percent. Since this compares very closely to the loss allowance provided by the use of 1.22 in the butter formula it is concluded that use of the 33.48 factor should be continued. The result will be to lower the price provided by the butter formula as compared to that provided by the cream formula, by about 5 cents. This change appears justified, however, in view of the adequate to excessive handling charges which New York handlers have enjoyed whenever market conditions for cream have been such that the cream formula has become effective. Handling charges have been considerably less favorable most of the time when the butter formula was effective.

It is impossible to predict during what months or how often the Boston weighted average cream price will set the Class III butterfat value. It is estimated, however, that the net aggregate effect of the changes in formula factors herein provided will be to increase the Class III price by an amount averaging about 3 cents. Such changes would have resulted in an average increase of 3.4 cents during the 12 months ended with June 1951.

Exceptions were taken to the recommended changes in the skim milk portion of the Class III pricing formula on the grounds that it would result in a different cost for skim milk in Class II milk than for skim milk in Class III milk. Exceptions were also taken to the failure to recognize such alleged difference between Class II and Class III skim milk costs in the computation of the Class III butterfat differential and the fluid skim differential. Such exceptions appear inconsistent with the basic fact that the pricing provisions of this order establish minimum prices for the whole milk in each class, rather than separate prices for skim milk and for butterfat. The employment of different formulas in computing the Class II and Class III skim milk values, (as is also the case for butterfat) means merely that the Class II price is not the same as the Class III price. Under the method of pricing employed under the order the cost to a handler of skim milk (separate from butterfat) is not established by the order but may only be imputed by the handler on whatever basis he chooses. The assertion that a change in the skim milk portion of the Class III formula, with no corresponding change in the skim milk portion of the Class II formula, results in different costs of skim milk is not accepted. Accordingly, no basis exists for assigning a value for skim milk in computing the butterfat and fluid skim differentials for Class III milk different from that used in computing such differentials for Class II milk. The question of changing the value assigned to skim milk in computing the Class II price was not considered on this record but is not a factor of sufficient significance to preclude the changes herein set forth in the Class III formula. The exceptions referred to are denied.

Having selected the dairy product price quotations which are found to be the best available indicators of changes in the market value of surplus milk and the product yield factors to be used in connection therewith in the Class III pricing formula, the final step in arriving at a price which handlers will be required to pay to producers for Class III milk involves a determination of the amount which should be deducted from the gross market value of the milk, calculated at the market prices of the products selected for use in the formula, as an allowance to handlers for the handling and processing of the milk.

Class III milk constitutes the necessary reserve to insure the maintenance of an adequate supply to meet the requirements of the marketing area for fluid milk and cream. Since it consti-

tutes a substantial proportion of all milk delivered by producers the level of the price established for Class III milk materially affects the uniform price paid for all milk delivered, and thus is a factor influencing both the supply and the level of the Class I-A price which is necessary in order to maintain an adequate supply. The objective then must be to price Class III milk at a level which will yield the maximum return to producers and which, at the same time, will afford reasonable assurance that milk offered by producers will be accepted. A pricing formula which fostered or encouraged inefficiency in handling and processing would be inconsistent with these standards.

The record indicates that no single measure or factor can be relied upon exclusively as a sure-fire method of deciding whether or not the Class III price is at the proper level. A conclusion concerning the amount of the handling allowance and the resulting level of the Class III price which is herein found to be appropriate in relation to the dairy product market prices selected for use in the formula, has been reached on the basis of all of the evidence in the record which appears to provide a reasonable measure or guide.

At the outset it is recognized that since it is not feasible to determine accurately what sales price handlers actually do obtain from all of the products they make from surplus milk, any specific handling allowance provided in a formula must be deducted from an assumed market value as the starting point. Surplus milk is to some extent utilized in products which command a price higher than the market price of products used in the formula. Since the existing Class III formula became effective substantially larger quantities of surplus milk have been marketed in higher value outlets such as cream, cream cheese and other non-cheddar type cheeses. Handlers who have been able to take advantage of these sales have benefitted. The advantage of any shift in utilization can accrue to producers only through increasing the price established for surplus milk. To some extent, ice cream itself is a relatively high value outlet for surplus milk. Some pool butterfat in the form of whole milk and plain condensed milk is used directly in ice cream without incurring the full cost allowed in the Class III formula for manufacture into cream and nonfat dry milk solids. Solids in this form cost substantially less than solids from alternative mid-western sources. The handling allowance specified is only one factor in the formula and, except coincidentally, does not constitute the actual allowance for handling surplus milk.

If a handler is to continue to receive milk from producers, his gross receipts realized from the sale of all products made from such milk must be sufficient, over a long period of time, to cover the minimum prices which the order requires him to pay producers, his costs of processing the milk, and a return on capital invested which will prevent its withdrawal from milk processing facilities.

Calculated costs of handling surplus milk, particularly if presented so as to

constitute a means of measuring changes in costs, is one factor which should be considered in establishing the price. It is a factor, however, which is limited by practical considerations. Many difficulties are encountered in attempting to determine an average cost of processing surplus milk. Considerable differences in costs exist among plants because of variations in utilization of surplus milk in different products and in varying proportions. Processing costs vary for different products. The costs shown in the record for different handlers or groups of handlers vary in both the amount and breakdown by items. To some extent, costs tend to adjust themselves to margins.

The volume of surplus milk handled appears to be an important factor affecting both the unit cost of processing and the average market return on products made from surplus milk. Since, as heretofore indicated, the market price quotations used in the formula are only approximations of the actual returns to handlers from the sale of products made from surplus milk, the inconsistency of relying solely upon calculated unit cost data for the determination of a reasonable operating allowance is apparent.

A comparison of cost data submitted for selected manufacturing plants shows no significant change in unit costs between 1949 and 1950. The influence on the cost per hundredweight of increasing volume from 1949 to 1950 appears to have been about offset by increases in certain cost factors including the cost of labor and the transfer from feeder plants of a somewhat larger portion of the milk manufactured. With the expectation of a continuing relatively large volume of surplus milk, at least during 1951, no basis is found in the record for predicting a change in costs in an amount to be significant factor in the determination of the operating allowance to be named in the Class III formula.

Handlers of surplus milk contended that the allowance presently provided in the Class III formula is not adequate to cover their costs of processing surplus milk. If handlers have been experiencing losses in the amount of 30 to 35 cents per hundredweight, which is the approximate amount by which reported costs exceed the present allowance, it is reasonable to expect evidence of reluctance on the part of handlers to continue to maintain adequate processing facilities, or at least that there would be evidence of a tendency for proprietary handlers to shift more of the function of handling surplus milk to cooperative associations. Yet no significant tendency of such a shift is apparent from evidence in the record and, although some certain types of facilities have been largely withdrawn, there is no evidence of an over-all shortage of facilities in the milkshed to handle all of the milk. No cooperative association reported having experienced losses in their over-all operations because of the necessity of handling surplus milk on an inadequate handling allowance or because of inability to collect reasonable handling charges on fluid sales due to distress among handlers in the disposi-

tion of surplus milk. During the first half of 1950, when handlers appear to have taken a rather pessimistic view of the market outlook for manufactured dairy products, handling charges for fluid milk in the marketing area were relatively low. During that period a relatively small volume of cream was stored and outlets for surplus milk were generally oversupplied. During 1949 and since the middle of 1950, however, there is evidence that handlers were not experiencing sufficient difficulty in the disposition of surplus milk to impel them to offer milk for fluid distribution at prices less than those affording adequate, and sometimes rather lucrative, handling charges.

Gross margins between the price for surplus milk to New York handlers and market value of products made therefrom increased between 1948 and 1949 and tended to increase further in 1950 for most products manufactured from surplus milk. This was particularly true for milk used for cream outside the marketing area or made into butter. Gross margins on milk used for cheese declined somewhat in 1949 from the exceptionally high levels prevailing during the summer of 1948 but remained during 1949 and 1950 at high levels in relation to other previous years, and then increased to a new high level early in 1951.

Size of margins does not indicate what profit, if any, can be realized by handlers from surplus milk since all expenses must be paid out of this margin. However, variations in gross margins without compensating changes in costs are indicative of changes in net margins available to handlers for disposing of surplus milk. Net margins in turn provide the incentive for handlers to utilize surplus milk for different products.

A comparison of Class III prices with producer prices paid by 18 midwestern condenseries shows that the Class III price averaged 7½ cents lower than the condensery price during the last 9 months of 1949, 13.6 cents lower during 1950 and 44.7 cents lower during the first 3 months of 1951. The Class III price was higher than the condensery price by 8.1 cents during the last 9 months of 1947 and higher by 5.2 cents during the same months of 1948.

A comparison of the Order 27 price of milk for making butter with prices paid for milk for making butter in 12 states for which information is shown in the record indicates that in the months of April through September 1949 the order cost was below any of the prices for the 12 states and in the same months of 1950 prices paid in only one of the 12 states averaged lower than the order price. In the same months of 1947 and 1948, prices in only 2 and 3 states, respectively, of the 12 were above the order price of milk. A similar comparison of the order price of milk for cheese with prices paid for milk for cheese in 21 states shows that in 1947, 1948, 1949, and 1950 prices paid in 20, 10, 9, and 14 states, respectively, of the 21 were higher than the order price of milk for cheese. The order price of milk for making butter was lower in 1949 and 1950 in relation to prices paid for milk similarly used in other states than in the two pre-

ceding years. The order price of milk for making cheese was somewhat lower in 1950 in relation to other states than in 1948 and 1949 but was higher than in 1947.

Comparing the Order 27 price of milk for butter and cheese with the Order 41 (regulating the handling of milk in the Chicago marketing area) Class IV (which includes butter and cheese) price in the last 4 years, the price of Order 27 milk for butter has averaged 8, 6, 38, and 25 cents per hundredweight below the Chicago price and the price of Order 27 milk for cheese has averaged 29, 19, 39, and 27 cents below the Chicago price. The Order 27 price of milk for butter and cheese in relation to the Chicago Class IV price declined in 1949 and increased in 1950, but remained substantially below the Chicago Class IV price.

A comparison of the Order 27 price of milk for making butter with prices paid for milk similarly used in the East North Central States and in Minnesota also shows that in 1949 and 1950 the price of pool milk so used had declined substantially since 1947 and 1948 in relation to prices in the East North Central States and in Minnesota. However, in 1949 and 1950 the price of pool milk for making cheese was somewhat higher in relation to prices paid for milk for cheese in the East North Central States and Wisconsin than in 1947 and 1948 and was considerably higher in relation to prices paid at unregulated cheese factories in New York State than in 1948.

In appraising comparisons of prices paid for milk by New York handlers with prices paid by unregulated plant operators in other areas for milk used in the manufacture of the same or similar products, however, certain differences in circumstances and conditions should be taken into account. Various differences in circumstances, such as freight costs, quality of products, concentration of supplies, regularity of supply, and labor wage rates, must be considered in evaluating these comparisons. Conditions surrounding the manufacture of surplus milk under the New York pool differ considerably from those experienced by unregulated plant operators. Unusually wide fluctuations in the supply of surplus milk on different days of the week and from one season to another, make it difficult for handlers to utilize labor and plant equipment efficiently. New York handlers have some advantages on the other hand by virtue of their location near market and because of high quality milk.

The record does not provide sufficient information concerning these differences to permit an adequate appraisal of the need of handlers for price differentials. Changes in price differentials from time to time are significant, however, since they indicate changes in the gross margin obtained by New York handlers relative to the gross margins of unregulated plant operators whose margins are determined competitively. Accordingly, the tendency for the average level of the Class III price to become lower in 1950 and early 1951 than formerly in relation to the average of prices paid for milk at unregulated manufacturing plants constitutes evidence supporting a conclu-

sion that the Class III price is not too high. A comparison of the Class III price with prices for surplus milk established by orders for other markets adds further support to the same conclusion.

It does not follow, however, that the order should be amended to establish the average of the prices paid by the 18 condenseries as the Class III price floor. Evidence submitted at the hearing in connection with such a proposal indicates a pronounced absence of correlation between month to month variations in such pay prices and short-time variations in the market value of products with which pool milk competes and into which Class III milk is manufactured. It is concluded therefore that, while prices paid by unregulated plant operators constitute a reliable guide against which to check trends in the level of the Class III price, they do not constitute as good a basis as the market price quotations of dairy products for making month-to-month changes in the Class III price.

Proposals were considered at the hearing to incorporate in the Class III formula various types of "movers" which would cause automatic increases or decreases in the handling allowance. The proposed movers designed to reflect changes in costs, even if established as accurate reflectors of such changes, are subject to the same limitations which are inherent in the cost approach. A proposal to relate the amount of the Class III handling allowance to handling charges paid for "spot" purchases of fluid milk in the marketing area possesses the virtue of recognizing such handling charges as being a factor appropriately to be considered but also possesses the fatal weakness of failing to take into account important factors influencing the amount of such handling charges other than level of the Class III price. While there appears to be considerable merit in these proposals for automatic changes in the handling allowance as conditions change, it cannot be found on the evidence in this record that any one or more of the movers considered will reflect such changed conditions with sufficient accuracy to justify their adoption as an alternative or supplement to the hearing and amendment process.

It is concluded that the order should not be amended to provide a separate allowance or set of allowances to be credited to handlers with respect to surplus milk transferred from the plant where received from producers to a plant where it is manufactured into Class III products.

Allowances of this sort were provided for in the order for a number of years ending in 1942. During that time numerous controversies arose as to whether the handler who made claims for the allowances had actually met the conditions requisite to their receipt. Uneconomic movements of milk were made in order that such milk would become subject to the allowances. Although so-called safeguards provided in connection with provision for separate transfer allowances might minimize abuse in isolated or individual instances, it is inconceivable that creation of incentives for increased transfers could be avoided

within a large system of plants operated by a single handler or throughout the milkshed. Probably of more importance, however, in connection with transfer allowances than the questions of administrability are questions of principle involved.

Transfer allowances were represented by their proponents as a desirable refinement in the pricing of surplus milk and as constituting a means of correcting existing inequities among handlers in the cost of surplus milk by reason of the existence of wide differences among handlers in the intermittency of manufacturing plant operation and in the proportion of surplus milk which is transferred from receiving plants to manufacturing plants.

It was established, of course, that there are costs involved in the receiving of milk from producers whether at a plant which is equipped for the processing of surplus milk or at a plant not so equipped. It is also recognized that costs are incurred in the transfer of milk from one plant to another and in the maintenance and operation of manufacturing plants. All of such costs were shown to vary widely among plants and among handlers.

Bulkiness and perishability of fluid milk as received from producers are characteristics which provide economic incentives for processing milk into more concentrated forms as near to the source as possible. On the other hand, the economies associated with high volume per plant provide powerful incentives for handlers to centralize operations both for the receiving and processing of milk. There are important offsetting economies involved among various types of facilities and methods of handling surplus milk.

At the present time, with a single allowance employed in fixing a price for Class III which is uniform for all handlers at the plant where the milk is received from producers, all handlers have an equal opportunity so far as the handling allowance is concerned to manufacture surplus milk. Consequently there is an incentive for surplus milk to be handled by those with lowest costs. Whether or not the transfer of milk from receiving plants to manufacturing plants will contribute to greater economy in operation is a matter to be decided by each handler. The quantity of milk which he has or expects to have available for processing after taking into account demands of the market for fluid milk may very well be a factor influencing his decision. Each handler exercises the responsibility of deciding on the method of operation which he considers to be most economical in his situation. The existence of these incentives for handling surplus at the lowest possible cost makes possible the maximum return to producers.

If separate transfer allowances were provided, thus establishing a different allowance for some handlers than for others, special encouragement would be given to those handlers who transfer milk and those who do not would tend to be at an economic disadvantage in the handling of surplus milk. Because of extreme variation among handlers and

among plants in actual costs of plant operation and of the interplant transfer of milk, the fixing of separate transfer allowance even though less than compensatory for one handler could readily be more than compensatory for another. Regardless of the amount of the separate allowance, the provision of such an allowance would be in the direction of offsetting those economies associated with high volume per plant operations and change the basis on which handlers would make decisions concerning the location and operation of receiving and processing facilities. The incentives provided would tend to increase the proportion of surplus milk transferred and the aggregate of allowances therefor, and thus tend to reduce the net return to producers.

On the basis of the evidence presented and its appraisal, it is concluded that the handling allowance (70 cents) and the transportation allowance (10 cents) now contained in the Class III pricing formula should be combined into a single allowance of 80 cents. Thus, a total allowance unchanged from the allowances presently provided together with the changes herein set forth in other formula factors may be expected to result in an increase in the level of the Class III price of about 3 cents per hundredweight.

2. Concentrated milk. The order should be amended to provide for the classification of concentrated fluid milk in Class I-A, or in Class I-B or I-C if distributed outside the marketing area, in the same manner as ordinary fresh fluid milk and other fluid products now included in those classes.

The term "concentrated fluid milk" should be specifically defined in the rules and regulations issued by the market administrator pursuant to the procedure set forth in the order. In general terms, however, "concentrated fluid milk" is intended to mean the product generally resembling plain condensed milk which in concentrated form, either fluid or frozen but not sterilized, is packaged and distributed in a manner designed primarily to be reconstituted by the consumer into a product resembling fresh whole milk as customarily distributed but which may, as an alternative, actually be used by the consumer as a substitute for fluid cream or for other purposes. It was contended that addition of water to such concentrated milk results in a fluid milk product virtually indistinguishable from regular fluid milk. It has been advertised as a direct and acceptable substitute for the customary type of unconcentrated fluid milk.

The product intended to be included under such a definition is the product which during the past year or so has been distributed for fluid consumption in various markets in 1 quart and ½ quart containers. Amendment of the order, however, as herein indicated is not intended to preclude definition of the product in a manner to include the same product in the event of its distribution for fluid consumption in containers of other sizes.

There is no evidence of concentrated fluid milk, as herein described, having been distributed in the New York mar-

keting area. However, there is evidence that it may be so distributed at any time. It is being distributed in other Eastern markets and has been manufactured from New York pool milk. The specific sanitary requirements of marketing area health authorities applicable to concentrated fluid milk are not set forth in the record. However, in view of the nature of the product, it appears unlikely that such requirements will be materially different from those applicable to regular market milk. It is evident therefore, that concentrated milk for fluid consumption will compete directly with other Class I products, and in substantially the same manner, for available supplies of milk approved for fluid distribution. Requirements on a day-to-day basis and seasonally in relation to available supplies are likely to be of the same character.

The term "concentrated fluid milk" should be defined in a manner which does not include condensed or concentrated milk products other than the product herein described. The term should not include the product presently defined as evaporated milk or the product presently defined as plain condensed whole milk when disposed of in bulk to such outlets as restaurants, bakeries and ice cream manufacturers for other than fluid uses.

It was proposed that concentrated milk be classified in Class III if the product is frozen after being concentrated. It was contended that such a product would be manufactured primarily for export, and could not be expected to compete effectively in domestic markets with regular fluid milk or concentrated fluid milk. The mere act of freezing, however, does not appear to constitute an adequate basis for distinguishing for classification purposes between the frozen and the unfrozen product. It seems unlikely that different sanitary requirements would apply, or that the act of freezing would necessarily preclude domestic distribution of the product for use in the same manner as fluid concentrated milk. Further reference is made to concentrated milk in connection with issue No. 6.

3. *Canned milk.* The order should be amended to provide that milk which would otherwise be classified in a higher priced class shall be classified in Class III if it is packed in hermetically sealed containers and sterilized.

The specific proposal included in the notice of hearing was to classify in Class III all milk packed in hermetically sealed cans which is exported to foreign countries or delivered to any branch of the United States Department of Defense. The product is not being manufactured commercially at least by the proponent or in the New York milkshed. The proponent asserted his intention of establishing processing facilities in a location where adequate supplies of high quality milk are available and where overall costs (including raw material, processing and transportation) are most favorable.

The prospective product is one for which no domestic outlet is anticipated. Its prospective outlet is visualized to be in competition with evaporated and dry milk in foreign countries where supplies

of fresh milk are unavailable. It was contended that the price obtainable for the finished product would preclude payment of a price for raw milk higher than that for Class III milk.

Milk used in the product is not likely to be required to be from sources approved by marketing area health authorities as sources of milk for fluid distribution in the marketing area. It is a product which is to be sterilized and not designed for distribution in the marketing area in competition with fresh fluid products. The product, as represented, will be storable without refrigeration and thus unlike fresh fluid milk with respect to the character of its supply requirements. The same considerations apply to other products packed in hermetically sealed containers and sterilized. Approved milk is not now required to be used for evaporated milk or in milk drinks of various sorts currently available within the marketing area in hermetically sealed cans and sterilized. These circumstances dictate a policy of pricing milk utilized as such products at a level competitive with alternative sources of supply.

4. *Milk in manufactured food products.* The order should be amended to classify milk in Class III during the months of March through July which leaves a plant in the form of milk and is delivered in bulk to a food processing establishment outside of the marketing area engaged in the manufacture of food products packed in hermetically sealed containers provided no milk or milk product leaves such establishment in fluid form.

Milk utilized in such manufactured food products is presently classified as Class III if the butterfat from such milk is established as being on hand or to have left the plant at which classification is determined in the form of such manufactured food products, or in the form of other products the classification of which is not established in some other class. However, milk shipped in the form of milk from the plant at which classification is determined to some other establishment (outside Federal marketing areas) not considered to be a plant as defined, and there utilized in manufactured food products is presently classified as Class I-C.

Milk utilized in such manufactured food products appears to constitute a utilization more appropriately considered to be a manufacturing rather than a fluid use. Milk for that purpose is not required to be approved for marketing area distribution and is available from nonpool sources at a price comparable to that fixed under the order for milk for other manufactured product uses. The classification of such milk in Class III only during months when the supply of surplus milk is relatively large not only is consistent with the proposal considered and in conformity with the indicated seasonal character of the demand for such milk, but will also avoid the possibility of creating new demands for milk at the Class III price during periods of the year when requirements for milk for Class I and Class II uses constitute a larger proportion of the available supply.

Restricting a Class III classification to milk delivered only to those food processing establishments from which no milk or milk product leaves in fluid form is designed to alleviate the administrative problem which might otherwise exist in connection with verification of the utilization of milk in various types of manufactured food products. A Class III classification under the amendment, however, will be contingent upon satisfactory establishment by the handler of the fact that delivery is actually made to a food processing establishment of the type indicated and of the fact that no milk product leaves the plant in fluid form.

5. *Whipped topping mixtures.* The order should be amended to provide for the classification at a plant in the marketing area of milk the butterfat from which is shipped to such a plant in the form of cream and there utilized in the manufacture of whipped topping mixtures in the same manner as is presently provided in connection with frozen desserts, homogenized mixtures and cream cheese.

At present butterfat in the form of cream which is used in the manufacture of whipped topping mixtures at a plant located outside of the marketing area is classified as Class III. Butterfat in the form of cream used in the manufacture of such a product at a plant located within the marketing area is classified as Class II. The amendment herein set forth is largely in the interest of uniformity and consistency. The question of whether milk utilized in the manufacture of whipped topping mixtures at a plant outside of the marketing area is properly classified in Class III is an issue which was not within the scope of the hearing.

A consideration which tends to support marketing area classification and the departure from the general rule in the case of whipped topping mixtures is the fact that few plants are now or are likely to be enfranchised to manufacture and sell such mixtures. Furthermore, due to the conditions under which the product is marketed, elements are present which appear to inhibit evasion of the rule. Evidence was also presented to the effect that the manufacture of such mixtures is more suitably and effectively performed at a location in proximity to the area of consumption.

6. *Treatment under the order of milk delivered to docks, ships, warehouses and military establishments.* The order should be amended so as to make it clear that (1) the marketing area, as presently defined includes such establishments as military installations occupying territory within its boundaries and includes also all piers, docks and wharves connected with the land area within its boundaries together with crafts moored at such piers, docks and wharves; and (2) milk in the various forms named in the Class I-A definition is to be classified in Class I-A and subject to compensatory payments (if from nonpool sources) when it is received at a plant located in the marketing area or is received in the marketing area at other locations (including those named above) by any person including the armed forces of the United

States, but is not to be classified in Class I-A (and not subject to compensatory payments) when such milk is not received at a plant in the marketing area and is merely moved through the marketing area in the course of its handling in transit en route to delivery to a plant or a person outside the marketing area. Such an amendment involves revision of the definitions of marketing area, Classes I-B, I-C and III, and provisions of the order identifying the milk which is subject to compensatory payments.

The proposal considered and the evidence thereon submitted at the hearing with reference to treatment under the order of milk and milk products delivered to outlets of the type here referred to was for the declared purpose of providing a basis for amendment of the order so as to eliminate questions of interpretation resulting from the decision of the Judicial Officer in the Ideal Farms case issued on October 10, 1949 (8 A. D. 1119). In that case it was decided, in the particular circumstances involved, that compensatory payments were not applicable on nonpool milk in the form of packaged frozen milk delivered to ships moored at a dock in the marketing area from a plant located outside the marketing area. Industry representatives contend that the decision was contrary, at least in some respects, to the interpretation previously understood and generally accepted in the industry. Specifically, it appears that milk delivered to ships at docks connected with the land area within the boundaries of the political subdivisions named in the marketing area definition was understood to constitute delivery "to a purchaser in the marketing area," regardless of whether such milk was for consumption on the ship or as cargo to be transported by the ship for consumption at some location definitely outside the marketing area. At any rate, there appears to be sufficient uncertainty as to how existing language of the order should be interpreted to justify its clarification.

Some differences of opinion were expressed by industry representatives on the question of distinguishing, for classification and pricing purposes, between milk delivered to ships and other carriers for consumption thereon and milk which is merely loaded on to ships and other carriers as cargo for delivery elsewhere. Evidence in the record is in some respects inconclusive as to the extent of the jurisdiction of marketing area health authorities over milk, in the various forms named in the Class I-A definition, which is delivered to carriers or to Federal installations or reservations within the marketing area. It was established, however, that milk delivered to ships for consumption thereon and to Federal institutions historically has been supplied by pool handlers and from processing plants located within the marketing area. Since such plants are permitted to handle only milk from approved sources, it follows that milk furnished to ships and institutions from marketing area plants can come only from approved sources.

Even though it may not have been definitely established that milk delivered to ships from plants outside the market-

ing area is equally subject to marketing area health authority regulations, it appears much more logical that such regulations would be applicable to so-called commissary milk than to cargo milk. An indeterminable portion of commissary milk can reasonably be expected to be consumed while the carrier is moored within the legal bounds of the marketing area. That is unlikely to be the case, however, with cargo milk especially packaged for, and expressly consigned to, a foreign or other distant buyer. It is concluded that a reasonable basis exists for the classification in Class I-A of milk (in the various forms named in the Class I-A definition) delivered from out-of-area plants to all types of outlets within the marketing area (including ships and institutions) except that such milk shipped through the marketing area to points outside the marketing area, wherein the carriers are used as a means of transportation only, should not be considered to constitute a delivery in the marketing area. Such cargo milk, therefore, should be classified in I-B or I-C as the case may be, and when originating from nonpool sources, should not be subject to compensatory payments. To classify such cargo milk as Class I-A would constitute an inconsistency in the operation of the order since, under existing provisions of the order, milk transferred, for example, from a railroad car to a motor truck within the marketing area in the process of transporting the milk to an out-of-area plant or purchaser would be classified, if it was pool milk, in Class I-C (or I-B) and would not be subject to compensatory payments if it was nonpool milk. There appears to be no sound basis for a Class I-A classification on other milk consigned to and delivered to an out-of-area plant or purchaser merely by reason of the fact that one of the carriers involved is a ship rather than a motor truck.

Since it is apparent from the proposal on which the hearing was held and the evidence presented thereon that the proposed revision of the order in this connection was designed to apply to all products to which compensatory payments apply, the findings and conclusions herein specifically set forth relative to Class I-A milk are considered to be equally applicable to Class II milk. Accordingly, the phrase "and remains outside the marketing area" presently appearing in the definition of Class III milk is revised in the same manner and for the same purpose as herein set forth specifically in connection with the definition of Classes I-B and I-C milk.

7.8. Basis of classification. The order should not be amended to provide for the classification at the second nonpool plant of milk which is moved in the form of milk to such plant from the first nonpool plant when neither nonpool plant holds health authority approval.

The rule of establishing classification at the first nonpool plant has existed for a relatively long time and, apparently, to the general satisfaction of interested parties in the New York market. To relax the rule may impose reporting and verification requirements upon additional nonpool plants and in the process

subject receipts of milk at such plants to complicated and, of necessity, somewhat arbitrary rules regarding the allocation of such milk between pool and nonpool sources. These considerations outweigh the reason advanced for modification of the rule.

The operations of the two nonpool plants which serve as a basis for the proposal are located within a relatively short distance from each other and are under the direct control and ownership of the proponent handler, thus constituting a situation in which it would seem to be incumbent upon the proponent to avail himself of alternate means by which a classification higher than Class III can be avoided.

Existing provisions of the order defining areas outside of which milk or cream may be shipped and remain eligible for classification other than at the plant from which such shipments are made (§ 927.4 (a) (3) (v) and (vi)) should be amended to provide for classification only at the shipping plant in the case of shipments of either milk or cream more than 65 miles (from the plant where received in the case of milk and from the plant where separated in the case of cream) to a plant outside of New York State, the New England States, the States of New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Ohio, and the District of Columbia. The so-called 65-mile provision should be continued in conjunction with this expanded area of classification in order to permit classification at plants in the vicinity of a plant located outside of the named states but which could become a pool plant by reason of shipments of milk to the marketing area.

Such an expansion of the classification area was not shown to be required due to the inadequacy of manufacturing facilities for the disposition of excess pool milk within the area as now defined. Handlers did contend, however, that existing provisions are unnecessarily restrictive, that desirable outlets for surplus milk in areas adjacent to the milkshed were now available to some handlers and not to others, and that expansion of the area would permit handlers more freedom and flexibility in the selection of the best available outlet for surplus milk. The record contains no evidence from which to conclude that the change would result in a lower return to producers by reason of lower classification.

9. Special transportation allowance. The order should not be amended to provide a special transportation allowance on tank-lots of milk shipped from a plant outside the marketing area to a plant in Nassau or Suffolk Counties.

It was the contention of the proponents that extra transportation differentials of 5 cents and 8 cents, respectively, should be allowed on tank milk shipped from county plants to bottling plants in Nassau and Suffolk Counties in recognition of alleged higher costs of transportation to such bottling plants than to other bottling plants in the marketing area, and that such extra differentials were designed to equalize costs among handlers.

Milk is distributed to consumers in Nassau and Suffolk Counties both from bottling plants located in those counties and from bottling plants located in New York City. The point was made that all country plant milk distributed in Nassau and Suffolk Counties has to be hauled through New York City, and that hauling rates from country plants to Nassau and Suffolk Counties tend to be slightly higher than to New York City bottling plants. It was not established, however, that such higher costs more than offset the added costs incurred by handlers who haul bottled milk from New York City pasteurizing plants to distribution points in Nassau and Suffolk Counties.

Moreover, transportation differentials are an integral part of a pricing system which has for its purpose the establishment of uniform minimum prices which all handlers must pay for milk at the same receiving plant. The differentials themselves are designed to reflect differences in the value of milk depending upon the distance from the marketing area to the plant at which milk is received from producers. Differences among handlers in the various costs of distribution may very well influence resale prices but not properly to be considered in establishing the minimum price to be paid to producers.

10. *Exemption from pooling.* The order should not be amended to exempt from pooling the milk received by direct delivery from farmers at plants located in Westchester County.

The proponents of such a proposal were six handlers who at the time of the hearing operated the only plants in Westchester County at which milk was being received directly from producers. Milk so received constitutes the principal source of milk distributed by these handlers. Sales from such plants constitute less than 17 percent of the total milk sold in Westchester County. Such plants are not approved for the distribution of milk in New York City. The balance of the milk distributed in Westchester County is milk received by other handlers at pool plants located outside the marketing area.

It was contended in support of the proposal that the historical source of supply for the proponent handlers has been from producers located in the so-called Harlem Valley extending north from New York City east of the Hudson River through the counties of Westchester, Putnam, Dutchess and Columbia, and that the payment of higher prices by Connecticut handlers in recent years has resulted in (1) a shift of some of such producers, principally in Westchester County, to Connecticut buyers, (2) the payment by the proponent handlers of substantial premiums to producers in the form of free cans, free hauling and cash in an effort to retain such producers and (3) the necessity for the proponent handlers to acquire new sources of supply, mainly from farms in Orange County. The premiums reported to have been paid by the six handlers averaged 50.7 cents in 1949 and 33.8 cents in 1950.

The order presently establishes a minimum producer price for milk received at plants in the marketing area which is 50 cents per hundred-weight higher than

the 201-210 mile zone price, 30 cents of which comes out of the pool. Fundamentally, the question involved is whether the order should be amended (by exemption from equalization) to further enhance the price paid to certain producers at the expense of all other producers. Such an amendment does not appear to be justified by the evidence presented.

It is apparent that the territory from which the proponent handlers historically have obtained their supply has become one in which there is keen competition among buyers for the available supply of milk. It is a territory which is not necessarily indispensable, however, as a source of supply for the marketing area since adequate supplies of approved milk are available from other sources. The proponent handlers have the apparent alternative and may find it more advantageous to purchase bulk supplies of milk received elsewhere in the milkshed. While such purchases may be expected to involve the payment of a handling charge, it seems probable that such a charge would be more than offset by savings in the cost of receiving milk directly from producers together with the elimination of premiums which such handlers pay to producers from whom they obtain their present supply.

The exemption from pooling now provided for in the order for milk received from farms in Nassau and Suffolk Counties parallels the proposal here considered only to a limited extent. The present exemption applies only to milk received from farms located within a specifically defined and definitely isolated portion of the marketing area in which there is no direct competition in the procurement from producers of milk between that which is exempt and that which is not. However, the proposal now presented would apply to the milk from an indefinite number of farms without regard to location and to milk purchased in direct competition with other handlers purchasing milk to which the exemption would not apply. The proposed exemption might very well induce other handlers to receive milk directly from farms at plants in Westchester County, in which event it could apply to virtually all of the milk distributed in Westchester County, a volume roughly 6 times that currently handled by the proponent handlers. At least one other handler was in process at the time of the hearing of equipping his Westchester County processing plant to receive milk directly from producers who at that time were delivering to out-of-area plants.

11. *Freight zones.* The order should not be amended to prohibit the determination of freight zones for pool plants different from the zones currently in effect. The transportation differential provision should be amended, however, for clarification and to provide for the use of "Mileage Guide No. 5" (without supplements) issued by the Household Goods Carriers' Bureau, agent in computing highway mileages. The order should not be amended to require appointment by the market administrator of an advisory committee to recommend revisions in freight zones.

Evidence in the record indicates that failure to reestablish the ban which expired on December 31, 1949 on the determination of new freight zones is likely to result in changing the transportation differentials applicable to milk received at approximately 189 out of a total of 441 pool plants. Out of this total of 189 plants, 180 would be zoned nearer the market and 9 would be zoned farther from the market. Class I prices and the uniform price would be affected at 135 plants. Prices for Class II and III milk would be affected at 111 plants. Changes affecting the Class I and uniform prices would amount to 1 cent per hundred-weight at 97 plants, 1½ cents at 33 plants, 2 cents at 2 plants, and 2½ cents at 3 plants. Changes affecting the Class II and Class III prices would amount to 1 cent at 110 plants, and 2 cents at one plant.

Proponents of the proposal to continue to freeze existing zones contended at the hearing that these changes in zones and differentials would disturb producer relationships and serve no useful purpose. The provision of the order freezing existing freight zones through December 1949 was adopted effective April 1, 1949 in response to a previously expressed desire of handlers for further opportunity to formulate a more satisfactory and acceptable method of determining freight zones. Handlers testified at this hearing that they had attempted to devise some system for determining freight zones other than on the basis of railway or highway mileage distances as the order now provides, but that their efforts had been unproductive. The only substitute proposed at the hearing was to freeze existing zones for all except a few plants and that for such few plants and for each new plant a zone be determined by the market administrator, assisted by an advisory committee, equitably on the basis of its distance from New York City and its proximity to other plants for which a zone is now established. To establish freight zones equitably is a laudable objective but by no means constitutes a sufficiently specific or uniform basis to be administratively practical. Railway or highway distances, therefore, constitute as equitable and satisfactory a basis for determining freight zones as has been developed so far and should continue to be used until a more satisfactory method is devised.

The differential changes resulting from full application of the principle of determining zones on the basis of railway and highway distances will be numerous but relatively minor in amount. No justification is found in the record for perpetuating errors and inaccuracies in the mileage zones currently in effect by prohibiting the use of the best available data known to exist in the computation of rail and highway distances. There is no reason to expect that minor changes in freight zones will disturb producer relationships any more than would the knowledge that a provision of the order continues to prevent the adjustment of transportation differentials in accordance with the principles uniformly applied in the milkshed.

One of the objections made to the method now provided for determination

of zones was that frequent issuance of supplements to the Mileage Guide would result in changes in zones more frequently than is desirable. In recognition of that objection the amendment herein set forth provides for the computation of mileages on the basis of Mileage Guide No. 5 issued on July 20, 1949 without regard to supplements thereto issued at later dates or to later Guides. While such a provision may also appear to freeze the zones once they are determined, that result is avoidable by subsequent amendment of the order to provide for using a later Guide in the event of sufficient changes in mileages to be of significance.

12. Acknowledgment of reports filed by handlers. The proposal to require the market administrator to acknowledge within 48 hours the receipt of each and every report mailed to or filed with him should be adopted only with respect to notices of transfer of storage cream, reports of the storage of cream and the utilization of storage cream.

The contention of proponents was that there have been instances in the past where handlers in good faith have filed the required reports with the market administrator and subsequently discovered that such reports had not been received, with the result that handlers have incurred increased financial obligations or have been denied payments to which the timely filing of the report would entitle them.

Evidence submitted indicates no useful purpose would be served by acknowledgment by the market administrator of those reports which are filed on a delivery period basis such as regular monthly reports of receipts and utilization. Such acknowledgment appears desirable, however, in the case of those reports required to be filed at a time contingent upon some act performed by the handler. Such reports include those required to be filed in connection with the storage of cream, the transfer of cream from one cold storage warehouse to another and the utilization of storage cream. Prompt acknowledgment by the market administrator of the filing with him of such reports will constitute positive evidence available both to the handler and to the market administrator that such forms were received, thus eliminating a point of potential controversy.

13. Producer-settlement fund reserve. The amount authorized to be subtracted, in the process of computing the uniform price, as a reserve to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers should be increased from not less than 4 cents nor more than 5 cents to not less than 8 cents nor more than 9 cents.

The aggregate amount of payments by handlers to the producer-settlement fund has increased materially since 1946. Such payments in total for 1949 were about two and one-half times greater than in 1947 and 1948. Payments into the producer-settlement fund, which formerly averaged about three times the amount of the reserve, averaged roughly

six times the amount of the reserve in 1949. Thus, if equalization payments continue at about the 1949 rate, doubling of the rate per hundredweight subtracted for reserve would virtually restore the relationship which prevailed prior to 1949 between the amount of payments to the producer-settlement fund and the amount of the reserve. It was contended at the hearing that the purposes for which the reserve is provided would be more adequately served, particularly under currently existing marketing conditions, by increasing the amount of the reserve. There appears to be merit in this contention.

The possibility of investing money held in the producer-settlement reserve fund was suggested at the hearing. Evidence in this record leaves considerable room for doubt that such investment in a manner to insure immediate availability of the funds, if needed, would be of any significant benefit to producers. No such provision is justified on this record.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "marketing agreement regulating the handling of milk in the New York Metropolitan milk marketing area" and "order amending the order, as amended regulating the handling of milk in the New York Metropolitan milk marketing area" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The order has been renumbered to conform with revised regulations of the FEDERAL REGISTER issued October 12, 1948 and, as so renumbered, is being published in its entirety. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ORDER OF THE SECRETARY DIRECTING THAT A REFERENDUM BE CONDUCTED; DETERMINATION OF A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (c) (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the New York metropolitan milk marketing area) who, during the month of July 1951, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, as amended, and as hereby proposed to be further amended, to determine whether such producers favor the issuance of the order amending the order, as amended, which is a part of this decision.

The month of July 1951 is hereby determined to be a representative period for the conduct of such referendum.

C. J. Blanford is hereby designated as agent of the Secretary to conduct such referendum, and except as set forth herein, such referendum shall be conducted in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), and shall be completed on or before 35 days after the date on which this decision is filed.

As a means of effectuating certain policies jointly adopted by the Secretary and the Commissioner of Agriculture and Markets of the State of New York in a memorandum of cooperation dated August 26, 1938, the above designated agent of the Secretary shall, at the same time he transmits his report to the Secretary, also transmit a similar report to the Commissioner of Agriculture and Markets of the State of New York.

The above designated agent of the Secretary shall not be required to transmit with his report to the Secretary a copy of each statement concerning the referendum as it appeared in each newspaper, but he shall transmit with his report a copy of the release which he presented to newspapers generally distributed in the area along with a summary of the numbers and types of newspapers to which it was presented.

The time within which the complete detailed report of the above designated agent shall be transmitted to the Secretary is hereby extended to five days after the close of the referendum, but a preliminary report based on the information then available shall be transmitted to the Secretary within two days after the close of the referendum.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended,

which will be published with the decision.

This decision filed at Washington, D. C. this 5th day of November 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the New York metropolitan milk

marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS	
Sec.	Act.
927.1	Secretary.
927.2	Marketing area.
927.3	Person.
927.4	Dairy farmer.
927.5	Producer.
927.6	Handler.
927.7	Plant.
927.8	Pool plant.
927.9	Market administrator.
927.10	Northern New Jersey.
MARKET ADMINISTRATOR	
927.15	Selection, removal, and bond.
927.16	Compensation.
927.17	Powers.
927.18	Duties.
POOL PLANTS	
927.20	Carryover designation.
927.21	Eligible applicants.
927.22	Designation upon application.
927.23	Requirements.
927.24	Suspension and cancellation of designation.
927.25	Plant replacements.
927.26	Change of operator.
927.27	Plants shipping Class I-A milk to the marketing area.
CLASSIFICATION	
927.30	Basis of classification.
927.31	Burden of proof.
927.32	Period for establishing classification.
927.33	Plant at which classification is to be determined.
927.34	Plant loss.
927.35	Accounting procedure.
927.36	Rules and regulations.
927.37	Classes of utilization.
MINIMUM PRICES	
927.40	Class prices.
927.41	Butterfat differentials.
927.42	Transportation differentials.
927.43	Butter-cheese adjustment.
927.44	Fluid skim differential.
927.45	Use of equivalent prices.
927.46	Announcement of prices.
REPORTS OF HANDLERS	
927.50	Monthly reports.
927.51	Producer payroll reports.
927.52	Storage cream reports.
927.53	Other reports.
927.54	Verification of reports and payments.
927.55	Retention of records.
DETERMINATION OF UNIFORM PRICE	
927.60	Net pool obligation of handlers.
927.61	Computation of the uniform price.
927.62	Announcement of uniform price and weighted average butterfat differential.
PAYMENT BY HANDLERS DIRECTLY TO PRODUCERS	
927.65	Time and rate of payments.
927.66	Transportation and location differentials.
927.67	Butterfat differential.
PRODUCER SETTLEMENT FUND AND ITS OPERATION	
927.70	Producer settlement fund.
927.71	Handlers' accounts.
927.72	Payment to the producer settlement fund.
927.73	Payments out of producer settlement fund.
927.74	Handlers' pool debit or credit.
927.75	Adjustment of errors in payments.

Sec.	
927.76	Cooperative payments.
927.77	Storage cream payments.
927.78	Payments for milk or milk products from other than producer sources.

EXPENSE OF ADMINISTRATION

927.80 Payment by handlers.

MISCELLANEOUS

927.85	Termination of obligations.
927.86	Continuing obligation of handlers.
927.87	Continuing power and duty of market administrator.
927.88	Liquidation.
927.89	Agents.

DEFINITIONS

§ 927.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 927.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 927.3 *Marketing area.* "New York metropolitan milk marketing area" (hereinafter called the "marketing area") means all territory within the boundaries of the city of New York, the counties of Nassau, Suffolk (except Fisher's Island), and Westchester, all in the state of New York together with all piers, docks and wharves connected therewith and all crafts moored thereat, and including territory within such boundaries which is occupied by government (Municipal, State, Federal or International) reservations, installations, institutions or other establishments.

§ 927.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 927.5 *Dairy farmer.* "Dairy farmer" means any person who produces milk.

§ 927.6 *Producer.* "Producer" means any dairy farmer whose milk is delivered direct from farm to a pool plant.

§ 927.7 *Handler.* "Handler" means (a) any person who engages in the handling of milk, or products therefrom, which milk was received at a pool plant, or at a plant approved by any health authority as a source of milk for the marketing area, (b) any person who engages in the handling of milk, concentrated fluid milk, cultured or flavored milk drinks, cream, or skim milk, all or a portion of which is shipped to, or received in, the marketing area, or (c) any cooperative association of dairy farmers to a pool plant of any other handler for the account of such association and for which such association receives payment.

§ 927.8 *Plant.* "Plant" means the land, buildings, surroundings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products as determined by the market administrator pursuant to § 927.18 (j).

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

§ 927.9 *Pool plant*. "Pool plant" means any plant which is designated as a pool plant pursuant to §§ 927.20, 927.22, 927.25 or 927.27.

§ 927.10 *Market administrator*. "Market administrator" means the agency, which is described in §§ 927.15 through 927.18, for the administration of this subpart.

§ 927.11 *Northern New Jersey*. "Northern New Jersey" means the following counties in the State of New Jersey:

Bergen.	Morris.
Essex.	Passaic.
Hudson.	Somerset.
Hunterdon.	Sussex.
Middlesex.	Union.
Monmouth.	Warren.

MARKET ADMINISTRATOR

§ 927.15 *Selection, removal, and bond*. The agency for the administration of this subpart shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

§ 927.16 *Compensation*. The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

§ 927.17 *Powers*. The market administrator shall have the following powers:

- (a) To administer the terms and provisions of this subpart;
- (b) To make rules and regulations to effectuate the terms and provisions of this subpart;
- (c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and
- (d) To recommend to the Secretary amendments to this subpart.

§ 927.18 *Duties*. The market administrator, in addition to the duties hereinafter described, shall:

- (a) Keep such books and records as will clearly reflect the transactions provided for in this subpart;
- (b) Submit his books and records to examination by the Secretary at any and all times;
- (c) Furnish such information and such verified reports as the Secretary may request;
- (d) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;
- (e) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to §§ 927.50, 927.51 and 927.53, or made payments required by §§ 927.65, 927.66, 927.67, 927.72, 927.75, 927.77, 927.78, and 927.80;
- (f) Prepare and disseminate for the benefit of producers, consumers, and handlers such statistics and information concerning the operation of this subpart, as amended, as do not reveal confidential information;
- (g) Employ and fix the compensation of such persons as may be necessary to

enable him to administer the terms and provisions of this subpart;

(h) Pay out of the funds received pursuant to § 927.80 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(i) Maintain a main office and such branch offices as may be necessary; and

(j) The market administrator shall, from time to time, cause inspections to be made of the buildings, facilities and surroundings of the plant and shall notify handlers of his determination as to what constitutes the plant and its equipment. If any handler makes written request for such determination, the market administrator shall promptly notify such handler of his determination: *Provided*, That if the request is for a revised determination or for affirmation of a previous determination, the handler shall set forth in his request the changed conditions which he believes makes a new determination necessary. Such determination shall be ruling for all purposes under this subpart, and any revision in the determination of which handlers have been notified shall be effective not earlier than the date of notice to handlers of such revised determination.

POOL PLANTS

§ 927.20 *Carryover designation*. Any plant for which the report of milk received from dairy farmers was used in the computation of the uniform price for November 1944 is hereby designated as a pool plant until such designation is cancelled pursuant to § 927.24, or § 927.25.

§ 927.21 *Eligible applicants*. Any person who operates a plant which is located in New York State, Vermont, Massachusetts, Connecticut, New Jersey, or Pennsylvania and which is either approved as a source of milk by a health authority in the marketing area at the time of application and under the sanitary supervision of such authority, or was a pool plant during the preceding October, November, and December, may apply to the Secretary prior to July 1 of any year to have such a plant designated as a pool plant: *Provided*, That if 50 percent or more of the dairy farmers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant but for which milk such association receives payment, an application must be made by such cooperative association as well as by the person operating the plant. Applications shall be addressed to the Secretary and filed at the office of the market administrator.

§ 927.22 *Designation upon application*. Any plant for which an application has been made pursuant to § 927.21 shall be designated as a pool plant upon determination by the Secretary that the requirements of § 927.23 are being met. Such designation shall be effective as of August 1 following the date of application and until cancelled pursuant to § 927.24. If, based upon the information contained in an application filed pursu-

ant to § 927.21, the Secretary determines that the requirements of § 927.23 are not being met, the applicant or applicants shall be so notified. Within 15 days after receipt of such notice, the applicant or applicants may submit additional information and request further consideration. Prior to the issuance of the determination of the Secretary, an application may be withdrawn by written request of the applicant or applicants. In the event that no determination is made by the Secretary prior to August 1, the effective date of the designation, upon written request of the applicant or applicants prior to the issuance of a determination, shall be deferred until the first of the month following the date of such determination. If the application is not so withdrawn, or the effective date of designation is not so deferred, the plant shall be treated as a pool plant as of August 1: *Provided*, That all payments into or out of the producer settlement fund (except such payments which are made on the basis of operations during a month in which a plant meets the requirements of § 927.27) shall be held in reserve by the market administrator until a determination is made.

§ 927.23 *Requirements*. In order to qualify as a pool plant pursuant to §§ 927.20, 927.22, or 927.25, the person operating the plant shall meet each of the following requirements.

(a) Be willing to ship in the form of milk to the marketing area, milk received at the plant from dairy farmers;

(b) Keep such control over the sanitary conditions under which milk received at the plant is produced and handled, that the plant can meet the requirements of a source of milk for the marketing area: *Provided*, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant; and

(c) Have no commitments for disposition of milk that prevent him from utilizing milk as set forth in § 927.24 (g).

§ 927.24 *Suspension and cancellation of designation*. The designation of a pool plant pursuant to §§ 927.20, 927.22, or 927.25 may be suspended or cancelled under any of the following provisions:

(a) The designation shall be cancelled upon application to the market administrator by the handler operating the plant effective at any time during the months of April through July of any year but not sooner than 30 days after receipt of such application: *Provided*, That such applications for cancellation shall be accompanied by proof that the handler, if not a cooperative association qualified pursuant to § 927.76, has notified any qualified cooperative association which has any members who deliver milk to such plant, and has notified individually all producers delivering to such

plant who are not members of such qualified cooperative association, of his intention to make such application: *Provided, further, That if 50 percent or more of the producers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant, but for which milk such association receives payment, an application must be made by such cooperative association as well as by the handler operating the plant.*

(b) The designation of any plant which on June 15 of any year is not approved by a health authority as a source of milk for the marketing area shall be automatically cancelled effective on August 1 of such year unless the absence of such approval is a temporary condition covering a period of not more than 15 days: *Provided, That the designation of a plant approved by a health authority as a source of milk for the marketing area, even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant, shall not be cancelled pursuant to this provision. This provision does not prevent a handler from applying, pursuant to § 927.21 for a new designation effective on August 1 of the same year.*

(c) The designation of any plant shall be suspended, effective no sooner than 10 days nor later than 20 days after the date of mailing of notice, by registered letter, to the handler, whenever the market administrator, subject to the limitations set forth in paragraph (g) of this section, finds on the basis of available information that the handler operating the plant is not meeting the requirements set forth in § 927.23: *Provided, That, if the handler operating the plant is not a cooperative association qualified pursuant to § 927.76, the market administrator shall also notify any qualified cooperative association which has any members who deliver milk to such plant, and shall notify individually all producers delivering to such plant who are not members of such qualified cooperative association, of such suspension of designation.*

(d) In the case of the suspension, pursuant to this section, of the designation of one or more plants for failure to meet the requirements of § 927.23 (a) or (c), the handler operating such plant may select, prior to the effective date of such suspension, some other pool plant or plants to be substituted for the plant or plants suspended if, during the preceding month, the quantity of milk received from producers at such substituted plant or plants was not less than the quantity of milk received from producers at the suspended plant or plants. The handler may also select the order in which plant designations are to be cancelled in the event of a later determination by the Secretary cancelling the designation of some but not all of the plants suspended.

(e) Not later than 10 days after the effective date of suspension of designation, pursuant to this section, the han-

dler operating the plant may apply to the Secretary for a review. If the handler fails to so apply for such review, the designation of the plant as a pool plant shall be cancelled as of the effective date of the suspension. If the handler does so apply, the Secretary shall, after review, either determine that the requirements set forth in § 927.23 have been met and order the suspension revoked, or determine that such requirements have not been met and order the designation cancelled as of the effective date of the suspension: *Provided, That, if the Secretary has made no determination within two months after the end of the month in which the suspension was made effective, but later orders the designation cancelled, such cancellation shall be effective as of the first of the month following the date of such determination.*

(f) Beginning with the effective date of a suspension pursuant to this section, and until the Secretary has either ordered the designation cancelled or ordered the suspension revoked, the plant shall be treated as a pool plant: *Provided, That all payments into or out of the producer settlement fund (except such payments on the basis of operations during a month in which the plant meets the requirements of § 927.27), shall be held in reserve by the market administrator until an order is issued by the Secretary, but not longer than two months after the end of the month in which the suspension was made effective.*

(g) No pool plant designation shall be suspended for failure to meet the requirements of § 927.23 (a) except under the following conditions:

(1) A meeting has been held, no sooner than three days after notice by the market administrator to all handlers operating pool plants designated pursuant to §§ 927.20, 927.22 or 927.25, for consideration of the desirable utilization of milk received from producers during a period ending not later than the end of the second month after the month during which such meeting is held.

(2) There has been issued by the market administrator, following such meeting, and mailed to all handlers operating pool plants designated pursuant to §§ 927.20, 927.22 or 927.25 the market administrator's determination of the desirable utilization of milk received from producers each month during all or a part of the period set forth in subparagraph (1) of this paragraph. Such determination shall include a schedule setting forth, by months, the desired minimum percentage of milk received from producers to be utilized in specified classes. Such specified classes shall include Class I-A, and Class I-C to the extent of 50 percent of the milk received by a handler from producers which is ultimately distributed in the State of New York, in Northern New Jersey, in Fairfield County, Connecticut, or in Pennsylvania outside the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland. In addition, such specified classes may include all or a part of Class II and other I-C.

(3) The market administrator finds on the basis of available information that the handler operating a plant or the cooperative reporting a plant is not uti-

lizing milk received from producers in accordance with the minimum percentage set forth in the determination of the market administrator previously announced pursuant to subparagraph (2) of this paragraph: *Provided, That the suspension of the pool plant designation of a plant may be made effective during the months of November and December if the market administrator finds that the handler is utilizing any milk received from producers in classes other than those set forth in the determination of the market administrator announced pursuant to subparagraph (2) of this paragraph.*

(h) The cancellation of pool plant designations for failure to meet the requirements of § 927.23 (a) shall be subject to the following conditions:

(1) No pool plant designation shall be cancelled if the handler operating the plant utilized the milk received by him at all pool plants from producers during the month in which the suspension is made effective in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section.

(2) No pool plant designation shall be cancelled if the handler operating the plant utilized in the specified classes set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section a percentage of the total milk received by him at all pool plants from producers during the month in which the suspension is made effective which is not less than the percentage of the total milk reported by all handlers to have been received from producers during such month which was reported to have been used in the specified classes: *Provided, That the limitations as to quantity and area set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section shall apply in computing the utilization percentage of the individual handler but shall not apply in computing the utilization percentage of all handlers.*

(3) In the event that all milk received from producers at a plant is reported to the market administrator by a cooperative association qualified pursuant to § 927.76, and such association pays the producers for such milk, the pool plant designation of such plant shall not be cancelled if a percentage of all milk reported by such cooperative association is utilized in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section, or in accordance with the percentage set forth in subparagraph (2) of this paragraph.

(4) Cancellation of designations shall be limited to those plants necessary to result in a utilization of milk received at the remaining pool plants operated by the handler, or reported by the cooperative, as the case may be, in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section.

(i) Loss of approval by health authorities of a plant as a source of milk for the marketing area may in itself constitute adequate reason for the market administrator to suspend the designation of a plant for failure to meet the requirements of § 927.23 (b), only if the absence of such approval continues for more than 15 days.

§ 927.25 *Plant replacements.* A plant may be designated at any time as a pool plant upon application made by the person operating the plant to the Secretary showing that the plant is a replacement for one or more pool plants designated pursuant to §§ 927.20, 927.22 or this section which are operated by him and that substantially all of the dairy farmers delivering milk at the plant previously delivered milk to the pool plant or plants replaced. Upon designation of a plant pursuant to this section, the designation of the plant or plants which it replaced shall be automatically cancelled.

§ 927.26 *Change of operator.* The designation of pool plants pursuant to §§ 927.20, 927.22 and 927.25 shall be considered as applicable to the plant as such, and subject to cancellation only pursuant to §§ 927.24 and 927.25, regardless of change in the person owning or operating the plant. The market administrator shall be notified, by the handlers involved, of any transfer from one person to another of ownership or operation of a pool plant.

§ 927.27 *Plants shipping Class I-A milk to the marketing area.* For any month a plant from which during such month Class I-A milk, either directly or through other plants, is sold or distributed in or shipped to the marketing area, which quantity of milk during the months of July through March, is equal to more than 25 percent of the milk received directly from dairy farmers, or during the months of April through June is equal to more than 10 percent of the milk received directly from dairy farmers, shall automatically be designated a pool plant: *Provided,* That for the months of April, May, or June no plant at which milk was received from dairy farmers during the preceding period of October, November, and December shall be a pool plant on this basis, unless at least 60 percent of such milk was classified in Class I-A, and either directly, or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk: *Provided further,* That no plant shall be a pool plant on this basis during the months of January through July, if the designation of the plant as a pool plant was cancelled for failure to meet the requirements of § 927.23 (a) during the preceding year. At the time of announcing the uniform price for each month, the market administrator shall make public the location, and name of the operator, of any plant for which a report of receipts from dairy farmers was used, pursuant to this section, in the computation of that uniform price.

CLASSIFICATION

§ 927.30 *Basis of classification.* All milk the butterfat from which is re-

ceived at a plant at which the classification of milk received from producers is to be determined pursuant to § 927.33, and all milk entering the marketing area in the form of milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products or skim milk, shall be classified in accordance with the form in which it is held at, or moved from, the plant at which classification is determined. Such classification shall be subject to the conditions set forth in §§ 927.31 through 927.35.

§ 927.31 *Burden of proof.* In establishing the classification of milk received from producers, the burden rests upon the handler who received the milk from producers to show that the milk should not be classified as Class I-A, and that the skim milk in Class II and Class III milk should not be subject to the fluid skim differential. The burden rests upon the handler who receives or distributes in the marketing area milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, or skim milk to establish the source of all his milk or milk products.

§ 927.32 *Period for establishing classification.* A period ending with the last day of the month following the month during which the milk was received from dairy farmers shall be allowed for handling such milk as a basis for establishing the classification as other than Class I-A: *Provided,* That the holding of milk in the form of cream in a licensed cold storage warehouse for at least 7 days shall constitute that portion of the handling of such cream required pursuant to § 927.37 (e) (2) that is required to be performed during the month following its receipt from dairy farmers.

§ 927.33 *Plant at which classification is to be determined.* Classification shall be determined at the plant at which milk is received from dairy farmers: *Provided,* That if such milk is shipped in the form of milk or cream to another plant or other plants, it shall be classified, subject to the provisions of paragraphs (a) through (e) of this section, at the plant or plants to which it is shipped, and there shall be no limit on the number of interplant movements in the form of milk or cream except as set forth in paragraphs (a) through (e) of this section.

(a) The classification of milk shipped in the form of milk to a plant in the marketing area shall be determined at the plant from which such milk is shipped to the plant in the marketing area.

(b) Except as set forth in paragraph (c) of this section, the classification of milk the butterfat from which is shipped in the form of cream to a plant in the marketing area shall be determined at the plant from which such cream is shipped to the plant in the marketing area.

(c) The classification of milk the butterfat from which is shipped in the form of cream to a plant in the marketing area shall be determined, if such cream is moved in the form of frozen desserts or homogenized mixtures,

whipped topping mixtures, or cream cheese either from the plant at which cream is first received in the marketing area or from the first plant to which cream is shipped from the plant where first received in the marketing area, at the first plant from which the frozen desserts or homogenized mixtures, whipped topping mixtures or cream cheese are so moved.

(d) Except as set forth in paragraph (e) of this section, the classification of milk shipped in the form of milk and of milk the butterfat from which is shipped in the form of cream to a non-pool plant shall be determined at the non-pool plant, unless the handler operating the pool plant from which such shipments are made to the non-pool plant elects in writing on his monthly reports to have classification of all milk or cream received during the month at such handler's pool plant and shipped as milk or cream to the non-pool plant determined at the pool plant from which the milk or cream is shipped to the non-pool plant.

(e) The classification of milk shipped in the form of milk more than 65 miles from the plant where received from dairy farmers and of milk the butterfat from which is shipped in the form of cream more than 65 miles from the plant where the milk was separated to a plant outside Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York State, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, or the District of Columbia shall be determined at the plant from which the milk or cream is so shipped.

§ 927.34 *Plant loss.* Allowances for plant loss not to exceed 5 percent of the butterfat in the product resulting from any specific plant operation, which plant loss may be classified the same as the milk equivalent of the butterfat in the product, shall be determined by the market administrator pursuant to § 927.36.

§ 927.35 *Accounting procedure.* The accounting procedure for classifying milk pursuant to §§ 927.30 through 927.37 shall be set up by the market administrator pursuant to § 927.36. Such accounting procedure shall include conversion factors to be used in the absence of specific weights and tests, specific definitions of products, and such methods for assignment of milk to classes according to source and form as may be necessary to effectuate the provisions of §§ 927.30 through 927.37 and which are not inconsistent with the following general principles:

(a) Milk, concentrated fluid milk, fluid milk products, cream, fluid cream products and skim milk received from pool plants or from producers shall be assigned, as far as possible, to Class I-A, Class II, or to skim milk subject to the fluid skim milk differential.

(b) If milk, cream, or skim milk is received at a plant from producers or from pool plants and in like form from dairy farmers not producers or from non-pool plants, the total milk equivalent of such products from producers and pool plants, and the total milk or milk equivalent from dairy farmers not

producers and non-pool plants shall be assigned pro rata to the total classification of all such milk or milk equivalent and to all skim milk subject to the fluid skim differential after the assignment in accordance with paragraph (a) of this section.

(c) The milk received from producers which is eliminated from the computation of the handler's net pool obligation pursuant to § 927.60 shall be assigned pro rata to the total classification of all milk from producers and pool plants.

§ 927.36 *Rules and regulations.* The rules and regulations to effectuate the terms and provisions of §§ 927.30 through 927.37 shall be made, and may from time to time be amended by the market administrator in accordance with the procedure set forth in this section: *Provided*, That at any time upon a determination by the Secretary that an emergency exists which requires the immediate adoption of rules and regulations, the market administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the following procedure: *Provided, further*, That if any interested person makes written request for the issuance, amendment, or repeal of any rule, the market administrator shall within 30 days either issue notice of meeting pursuant to paragraph (a) of this section or deny such request, and except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial.

(a) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which time all interested persons shall have opportunity to be heard. Notice of such meeting shall be given by the market administrator, and a copy of the proposed rules and regulations shall be sent at least five days prior to the date of the meeting to all handlers operating pool plants. A stenographic record shall be made at all such meetings and such record shall be public information available for inspection at the office of the market administrator.

(b) A period of at least five days after the meeting held pursuant to paragraph (a) of this section shall be allowed for the filing of briefs. Such briefs shall be public information available for inspection at the office of the market administrator.

(c) Not later than 30 days after a meeting held pursuant to paragraph (a) of this section, the market administrator shall issue and send to all handlers operating pool plants the tentative rules and regulations or amendments thereto relating to the issues considered at such meeting, or a tentative notice that no rules or regulations or amendments thereto are to be issued prior to further consideration at another meeting. The tentative rules and regulations, or tentative notice, together with copies of the stenographic record and briefs, shall also at the same time be forwarded by the market administrator to the Secretary.

(d) Not later than 30 days after issuance by the market administrator; the

Secretary shall either approve the tentative rules and regulations or tentative notice as issued, or direct the market administrator to reconsider. In which latter event, the market administrator shall within 30 days either issue revised tentative rules and regulations or tentative notice, or call another meeting pursuant to paragraph (a) of this section.

(e) The tentative rules and regulations and amendments thereto or tentative notice issued pursuant to paragraph (c) of this section shall be effective as of the first of the month following approval by the Secretary, but not sooner than ten days after issuance by the market administrator.

§ 927.37 *Classes of utilization.* Subject to all of the conditions set forth in §§ 927.30 through 927.36, milk shall be classified at the plant at which classification is to be determined as follows:

(a) Class I-A milk shall be all milk, except as provided in paragraphs (b) and (c) of this section and in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves or is on hand at the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and all milk the classification of which is not established in some other class named in this section.

(b) Class I-B milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser in an area regulated by another order of the Secretary, but which at no time (1) is received at a plant in the marketing area, or (2) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided*, That use aboard a ship or other carrier shall not constitute such delivery.

(c) Class I-C milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser in an area not regulated by another order of the Secretary, but which at no time (1) is received at a plant in the marketing area, or (2) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided*, That use aboard a ship or other carrier shall not constitute such delivery.

(d) Class II milk shall be all milk the butterfat from which leaves or is on hand at the plant in the form of cream, sweet or sour, fluid cream products, or in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat,

unless such cream fluid cream products, or cultured or flavored milk drinks are established to have been so handled or marketed as to classify such milk in some other class named in this section.

(e) Class III milk shall be all milk which meets the conditions set forth in any one of the following subparagraphs:

(1) All milk the butterfat from which leaves or is on hand at the plant in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat or in the form of cream, or fluid cream products which cream, fluid cream products, or cultured or flavored milk drinks is delivered to a plant or a purchaser outside the marketing area, but which at no time (i) is received at a plant in the marketing area, or (ii) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided*, That use aboard a ship or other carrier shall not constitute such delivery.

(2) All milk the butterfat from which leaves or is on hand at the plant in the form of cream which is subsequently held in a licensed cold storage warehouse for at least 28 days, and which is subject at all times until utilization of such cream to being inspected by a representative of the market administrator to determine the physical presence of the cream. After the first 7 days, such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the market administrator receives notice of such removal within 7 days thereafter. Any handler whose report claimed the original classification of milk pursuant to this subparagraph shall be liable under the provisions of § 927.75 for the difference between the Class II and Class III prices for the month in which the Class III classification was claimed on any such milk if the storage of cream does not comply with all the requirements of this subparagraph.

(3) All milk the butterfat from which leaves the plant in the form of products named in paragraphs (a), (b), (c), or (d), of this section if such products have been sterilized and leave the plant in hermetically sealed containers.

(4) All milk received during the months of March through July the butterfat from which leaves the plant in the form of milk which is delivered in bulk to an establishment outside the marketing area (other than a plant as defined in § 927.8), at which food products are processed and packed in hermetically sealed containers and at which establishment there is no disposition of milk or milk products specified in paragraphs (a), (b), (c), or (d) of this section other than milk or milk products received in consumer packages for consumption on the premises.

(5) All milk the butterfat from which leaves or is on hand at the plant in the form of concentrated fluid milk which is established not to have been packaged in consumer packages either before or after leaving the plant.

(6) All milk the butterfat from which leaves or is on hand at the plant in the form of some product the classification of which is not established in some other class named in this section.

MINIMUM PRICES

§ 927.40 *Class prices.* For milk received during each month from producers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 927.41 through 927.44. Any handler who purchases or receives, during any month, milk from a cooperative association of producers which is also a handler shall, on or before the 15th day of the following month, pay such cooperative association in full for such milk at not less than the minimum class prices applicable pursuant to this section, subject to the differentials and adjustments in §§ 927.41 through 927.44.

(a) For Class I-A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (11) of this paragraph:

(1) Divide by 164.9 the monthly wholesale price index for all commodities in the second preceding month as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period. Express the result to three decimal places.

(2) Multiply the base price of \$5.66 by the result determined pursuant to subparagraph (1) of this paragraph. Express the result to the nearest cent.

(3) For each month during the 3-year period ending with the second preceding month, calculate to one decimal place the percentage that the total volume of milk in Classes I-A, I-B, and I-C was of the total volume of reported receipts of milk from producers and from unrevealed sources (these percentages to be referred to as utilization percentages).

(4) Calculate the average of the 36 monthly utilization percentages for the 3-year period ending with the second preceding month.

(5) Calculate the average of the 6 utilization percentages for the second and third preceding months and for the same months of the 2 preceding years.

(6) Divide the result determined pursuant to subparagraph (5) of this paragraph by the result determined pursuant to subparagraph (4) of this paragraph expressing the result to three decimal places.

(7) Calculate the average of the 2 utilization percentages in the second and third preceding months.

(8) Divide the result determined pursuant to subparagraph (7) of this paragraph by the result determined pursuant to subparagraph (6) of this paragraph. Express the result to one decimal place and add 100.

(9) Calculate a utilization adjustment percentage by subtracting the base utilization percentage of 63.6 from the result determined pursuant to subparagraph (8) of this paragraph.

(10) Multiply the result determined pursuant to subparagraph (2) of this paragraph by the utilization adjustment percentage determined pursuant to subparagraph (9) of this paragraph.

(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by the following seasonal ad-

justment factor for the month for which the Class I-A price is being determined:

January	1.05	July	0.95
February	1.03	August	1.00
March	1.00	September	1.04
April	0.94	October	1.07
May	0.88	November	1.09
June	0.88	December	1.07

(b) Whenever any of the following conditions exist for 3 consecutive months, the Secretary shall call a public hearing promptly to consider those and other economic conditions, or promptly announce his determination that such a hearing should not be held, together with reasons for such determination:

(1) There is a difference of more than 6 points for each of 3 consecutive months between the index of the cost of production announced pursuant to § 927.46 (a) (6) and the index of wholesale prices (1948 base) announced pursuant to § 927.46 (a) (1).

(2) There is a difference of more than 15 points for each of 3 consecutive months between the index of the cost of production announced pursuant to § 927.46 (a) (6) and the index of the Class I-A price announced pursuant to § 927.46 (a) (7).

(3) The Class I-A price for each of 3 consecutive months is less than \$1.00 higher than the condensary price announced pursuant to § 927.46 (a) (8) for such months or more than \$2.50 higher than such condensary price.

(c) For Class I-B milk the price during each month shall be the price for Class I-A milk.

(d) For Class I-C milk the price shall be the uniform price computed by the market administrator pursuant to § 926.61 plus 20 cents per hundredweight.

(e) For Class II milk the price during each month shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1)

U. S. Grade A or U. S. 92-score butter, wholesale, at New York, average price announced pursuant to § 927.46 (a) (4) for the period ending on the 24th of the preceding month (cents per pound)	Class II price	
	March through July	August through February
	Dollars per cwt.	Dollars per cwt.
Under 21.5	1.35	1.50
21.5 or over, but under 25.0	1.40	1.65
25.0 or over, but under 28.5	1.45	1.80
28.5 or over, but under 32.0	1.50	1.95
32.0 or over, but under 35.5	1.55	2.10
35.5 or over, but under 39.0	1.60	2.25
39.0 or over, but under 42.5	1.65	2.40
42.5 or over, but under 46.0	1.70	2.55
46.0 or over, but under 49.5	1.75	2.70
49.5 or over, but under 53.0	1.80	2.85
53.0 or over, but under 56.5	1.85	3.00
56.5 or over, but under 60.0	1.90	3.15
60.0 or over, but under 63.5	1.95	3.30
63.5 or over, but under 67.0	2.00	3.45
67.0 or over, but under 70.5	2.05	3.60
70.5 or over, but under 74.0	2.10	3.75
74.0 or over, but under 77.5	2.15	3.90
77.5 or over, but under 81.0	2.20	4.05

Should the average butter price set forth above be 81.0 cents or more, the Class II price shall be the price which would result from further extension of this table at the same rate to cover such average butter price.

(2) Multiply by 7.5 the average of all the hot roller process dry skim milk or nonfat dry milk solids quotations for "other brands, human consumption, carlots, bags, or barrels" (using midpoint

of any range as one quotation), published for the delivery period in "The Producers' Price-Current," and subtract 48 cents.

(f) For Class III milk, the price shall be computed as follows: multiply the applicable butterfat value computed pursuant to subparagraph (1) or (2) of this paragraph by 3.5; add an amount obtained by multiplying by 7.8 the weighted average, as computed by the market administrator using a weight of 70 for roller process prices and a weight of 30 for spray process prices, of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption in carlots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month; and subtract 80 cents. The butterfat value for the months of March through July shall be computed pursuant to subparagraph (1) of this paragraph, and the butterfat value for the months of August through February shall be computed pursuant to subparagraph (2) of this paragraph: *Provided*, That during the months of August through February the butterfat value shall be no lower than that computed pursuant to subparagraph (1) of this paragraph.

(1) To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during such month by the United States Department of Agriculture for Grade A or 92-score bulk creamery butter in the New York City market, add two cents and multiply by 1.22.

(2) Divide the audited weighted average price per 40-quart can of 40-percent bottling quality cream f. o. b. Boston as published by the United States Department of Agriculture for such month by 33.48. In the event that no such price is published, the butterfat value shall be computed pursuant to subparagraph (1) of this paragraph.

§ 927.41 *Butterfat differentials.* The minimum price for Class I-A, Class I-B and Class I-C milk shall be plus or minus four cents for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent. The minimum price for Class II and Class III milk shall be plus or minus, for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount computed as follows: subtract from the respective class prices an amount computed pursuant to § 927.40 (e) (2), and divide by 35.

§ 927.42 *Transportation differentials.* The market administrator shall determine and publicly announce the freight zone for each pool plant located outside the marketing area. Such freight zones shall be based on the shorter of (a) the railroad mileage distance from the railway shipping point nearest the plant to New York City terminals and (b) the shortest highway mileage distance from the plant to Columbus Circle, New York City, as computed (without using supplements issued thereto) from Mileage Guide No. 5 issued on July 20, 1949, effective August 21, 1949, by the Household

Goods Carriers' Bureau, Agent, Washington, D. C. The freight zone for plants located in the marketing area shall be the 1-10 mile zone. The class prices set forth in § 927.40 shall be plus or minus the amounts as set forth in the following schedule:

A	B	C
Freight zone (miles)	Classes I-A, I-B and I-C and skim milk subject to the fluid skim differential	Classes II and III
	Cents per cwt.	Cents per cwt.
1-10	+15	+8
11-20	+14	+8
21-25	+13	+8
26-30	+13	+7
31-40	+13	+7
41-50	+10.5	+7
51-60	+10.5	+6
61-70	+9.5	+6
71-75	+8	+6
76-80	+8	+5
81-90	+8	+5
91-100	+7	+5
101-110	+7	+4
111-120	+6	+4
121-125	+5	+4
126-130	+5	+3
131-140	+5	+3
141-150	+3.5	+3
151-160	+2.5	+2
161-170	+2.5	+2
171-175	+1.5	+2
176-180	+1.5	+1
181-190	+1.5	+1
191-200	0	+1
201-210	0	0
211-220	-1	0
221-225	-1	0
226-230	-1	-1
231-240	-2	-1
241-250	-2	-1
251-260	-3.5	-2
261-270	-3.5	-2
271-275	-3.5	-2
276-280	-3.5	-3
281-290	-4.5	-3
291-300	-5.5	-3
301-310	-5.5	-4
311-320	-5.5	-4
321-325	-7	-4
326-330	-7	-5
331-340	-7	-5
341-350	-8	-5
351-360	-8	-6
361-370	-8	-6
371-375	-9	-6
376-380	-9	-7
381-390	-9	-7
391-400	-9	-7
401-410	-10.5	-8
411-420	-10.5	-8
421-425	-10.5	-8
426-430	-10.5	-9
431-440	-11.5	-9
441-450	-11.5	-9
451-461	-11.5	-10
461-470	-12.5	-10
471-475	-12.5	-10
476-480	-12.5	-11
481-490	-14	-11
491-500	-14	-11

§ 927.43 *Butter-cheese adjustment.* For milk received from producers which is classified as Class III pursuant to § 927.37 (e) (6), and which leaves or is on hand at the plant at which classification is determined in the form of butter or Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar cheese, or is assigned to plant loss which pursuant to § 927.34 is associated with such products, there shall be credited to the handler receiving the milk from producers four cents per pound of butterfat in such milk: *Provided*, That the amount so credited shall be reduced one cent per pound of butterfat for each one-tenth by which the ratio of 2.5 exceeds a ratio computed as follows: Add to the New York 92-score butter price for the month announced pursuant to § 927.46 (b) (6) the amount obtained by multiplying by 1.83 the weighted nonfat dry milk solids

price for the period ending with the 25th day of the month as announced pursuant to § 927.46 (b) (8); divide this sum by the price of Cheddar cheese for the month as announced pursuant to § 927.46 (b) (9) and round the result to the nearest tenth: *Provided further*, That for such milk received from producers at a plant in a freight zone farther from New York City than the 321-325 mile zone, there shall be deducted from the amount so credited the following amounts per hundredweight of milk:

Zones of plant:	Cents per hundredweight
326-350	1
351-375	2
376-400	3
401-425	4
426-450	5
451-475	6
476-500	7

With respect to each plant at which milk received from producers is reported by the handler operating the plant to have been utilized (either at the plant where received or at another plant), in an amount exceeding an average of 4,000 pounds per day in the manufacture of butter or of Cheddar, American Cheddar, Colby, washed curd or part skim Cheddar cheese, the market administrator shall publicly disclose (a) the location of the plant at which the milk was received from producers, and (b) the name of the handler operating such plant. Such public disclosure shall be made monthly on the basis of handlers' monthly reports, and may be made more frequently on the basis of such other utilization reports as may be required by the market administrator.

§ 927.44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the marketing area in the form of milk, fluid skim milk, or cultured milk drinks and there utilized or disposed of in one of such forms, and for all other skim milk derived from Class II or Class III milk which is not established to have been otherwise utilized or disposed of the handler shall pay a fluid skim differential per hundredweight computed as follows: Deduct the price of Class II milk computed pursuant to § 927.40 (e) from the price for Class I-A milk computed pursuant to § 927.40 (a), and divide by .9125.

§ 927.45 *Use of equivalent prices.* If for any reason a price (or prices) for milk or any milk product specified in §§ 927.40 through 927.46 for use in computing and announcing class prices and for any other purpose is not reported or published in the manner therein described, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 927.46 *Announcement of prices.* The market administrator shall publicly announce the following:

(a) Not later than the 25th day of each month, or the next succeeding workday in any month in which the 25th day is a Sunday or holiday:

(1) The monthly wholesale price index for all commodities in the preceding month as reported (with the year 1926 as the base period) by the Bureau

of Labor Statistics, United States Department of Labor, and the resulting index obtained by converting the reported index to a 1948 base by dividing it by 1.649.

(2) The utilization adjustment percentage computed pursuant to § 927.40 (a) for the following month.

(3) The preliminary Class I-A price computed pursuant to § 927.40 (a) for the following month.

(4) The average, for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market.

(5) The preliminary calculation for the following month pursuant to § 927.40 (e) (1).

(6) The index of the cost of production for the preceding month computed by the market administrator as follows:

Combine the index numbers for the States of New York, Pennsylvania, and Vermont with weights of 84 for New York, 13 for Pennsylvania, and 3 for Vermont. The index numbers of cost of production for New York shall be index numbers computed by the New York State College of Agriculture at Cornell University (1910-14 base), converted to a 1948 base by dividing by 3.21.

The index numbers of cost of production for Pennsylvania shall be computed by combining the index (using a base of 54 cents and a weight of 50) of hourly composite wage rates, reported for Pennsylvania by the United States Department of Agriculture; the index (using a base of \$4.53 and a weight of 30) of all purchases of mixed dairy feeds, reported for Pennsylvania by the United States Department of Agriculture; and the index (using a base of \$23.31 and a weight of 20) of prices received by farmers for all hay, baled per ton, reported for Pennsylvania by the United States Department of Agriculture.

The index numbers of cost of production for Vermont shall be computed by combining the index (using a base of 69 cents and a weight of 50) of hourly composite wage rates, reported for Vermont by the United States Department of Agriculture; the index (using a base of \$4.63 and a weight of 30) of all purchases of mixed dairy feeds, reported for Vermont by the United States Department of Agriculture; and the index (using a base of \$25.42 and a weight of 20) of prices received by farmers for all hay, baled per ton, reported for Vermont by the United States Department of Agriculture.

(7) The index computed by dividing the Class I-A formula price, prior to the seasonal adjustment, for the following month by \$5.66.

(8) The average of prices paid in the preceding month by 18 midwestern condenseries as reported by the United States Department of Agriculture.

(9) Other statistics relating to economic conditions affecting the market supply and demand for milk.

(b) Not later than the 5th day of each month for the preceding month:

(1) The minimum class prices, pursuant to § 927.40.

(2) The butterfat differentials, pursuant to § 927.41.

(3) The butter and cheese adjustment, pursuant to § 927.43.

(4) The fluid skim differential pursuant to § 927.44.

(5) The audited weighted average price per 40-quart can of 40-percent bottling quality cream f. o. b. Boston as published by the United States Department of Agriculture.

(6) The simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported by the United States Department of Agriculture for Grade A or 92-score bulk creamery butter in New York City.

(7) The average of the prices (using midpoint of any range as on quotation) reported daily in "The Producers' Price-Current," for hot roller process dry skim milk or nonfat dry milk solids "other brands, human consumption, carlots, bags, or barrels."

(8) The respective averages of the carlot prices per pound of spray process and of roller process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the second preceding month through the 25th day of the preceding month by the United States Department of Agriculture, and the weighted average of such two averages using a weight of 70 for roller prices and a weight of 30 for spray prices.

(9) The average selling prices per pound reported by the United States Department of Agriculture for Wisconsin State Brand Cheddars, cars or truckloads, f. o. b. Wisconsin assembly points.

REPORTS OF HANDLERS

§ 927.50 *Monthly reports.* On or before the 10th day of each month, each handler shall report to the market administrator, for the preceding month, in the manner and on forms prescribed by the market administrator, with respect to milk or milk products received at each of his pool plants, and at each of his plants where milk or milk products subjected to payments under § 927.78 were handled, the following:

(a) The total quantity of milk and of each milk product, with the average butterfat content thereof, received from dairy farmers, from other plants, from such handler's own farm, from other handlers, and from other sources;

(b) The total quantity of milk and of each milk product moved out of, or on hand at, such plant, the average butterfat content thereof, and the destination of any milk or milk product the classification of which wholly or partially depends upon its destination, moved out of such plant;

(c) The disposition of milk or milk products at each other plant at which the disposition of any milk or milk products is claimed as the basis of classification, such disposition to be covered by a signed statement of the plant operator if such other plant is not a pool plant;

(d) The computation pursuant to § 927.60 of such handler's net pool obligation; and

(e) The computation of the amount of any payments pursuant to § 927.78.

§ 927.51 *Producer payroll reports.* Each handler shall report with respect to producers as follows:

(a) On or before the 10th day after the end of each month, the information required by the market administrator with respect to producer additions, producer withdrawals, and changes in names of farm operators; and

(b) On or before the last day of each month, such handler's producer payroll for the preceding month, which shall show for each producer:

(1) The total delivery of milk with the average butterfat test thereof,

(2) The amount of payment due such producer,

(3) Any deductions and charges made by the handler,

(4) The net amount of payment to such producer made pursuant to §§ 927.65 through 927.67, and

(5) Such other information with respect thereto as the market administrator may require.

§ 927.52 *Storage cream reports.* On or before the last day of the period for establishing classification pursuant to § 927.32, or, if earlier, not later than 15 days prior to the date of final removal of the cream from storage, each handler who separates milk the cream from which is stored as a basis for Class III classification pursuant to § 927.37 (e) (2) shall report to the market administrator on forms prescribed by the market administrator information with respect to the storage of cream. Failure to make such report shall result in the disallowance of Class III classification pursuant to § 927.37 (e) (2).

The handler who made such reports shall report to the market administrator, not later than the end of the second month following the month during which frozen cream is utilized, information with respect to the utilization of such cream. Failure to make such reports shall result in the disallowance of storage cream payments pursuant to § 927.77 (b).

With respect to notices of transfer of cream filed pursuant to § 927.37 (e) (2) and with respect to storage cream reports filed pursuant to this section, a receipt form acknowledging receipt of such notice or report shall be mailed by the market administrator to the handler within 48 hours after such notice or report is received by the market administrator.

§ 927.53 *Other reports.* At such time as the market administrator may request, each handler shall report to the market administrator in the manner and on forms prescribed by the market administrator:

(a) The total quantity of milk and of each milk product received at his non-pool plants, with the average butterfat content thereof, from dairy farmers, from other plants, from such handler's own farm, from other handlers, and from other sources;

(b) The total quantity of milk and of each milk product moved out of, or on hand at, his non-pool plants, the average butterfat content thereof, and the destination of any milk or milk product moved out of such plants;

(c) Information concerning land, ings, surroundings, facilities, and equipment at any of his plants;

(d) The current receipts and utilization of milk at each of his pool plants; and

(e) Such other information as may be necessary for the administration of the provisions of this subpart.

§ 927.54 *Verification of reports and payments.* The market administrator shall promptly verify all reports and payments of each handler by audit of such handlers records and of the records of any handler or person upon whose disposition of milk such handler claims classification, and each such handler shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities, of his own or other persons, as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk required to be reported pursuant to §§ 927.50 through 927.53, and, in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends;

(c) Verify the payments to producers prescribed in §§ 927.65 through 927.67; and

(d) Verify all claims for payments pursuant to §§ 927.76 and 927.77.

§ 927.55 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such three-year period, or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

DETERMINATION OF UNIFORM PRICE

§ 927.60 *Net pool obligation of handlers.* Milk received from farms in Nassau or Suffolk Counties, New York, which farms are not approved for sale of milk in New York City, or received from the handler's own farm shall not be included in the determination of the uniform price, and such milk shall be deemed to be excluded by the phrase, "milk received from producers" as such phrase is used in this section and in §§ 927.42, 927.61, 927.74, 927.76, 927.77 and 927.80.

(a) Determine the classification pursuant to §§ 927.30 through 927.37 of milk

received from producers at each pool plant;

(b) Subject to adjustment for appropriate differentials pursuant to §§ 927.41 and 927.42, multiply the Class I-C milk by 20 cents per hundredweight, multiply the remaining milk in each class by the class price, multiply the skim milk subject to the fluid skim differential by the fluid skim differential per hundredweight, and add together the resulting values;

(c) Deduct, in the case of each plant where the average butterfat content of all milk received from producers is in excess of 3.5 percent and add, in the case of each plant where the butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butterfat differential applicable pursuant to § 927.67;

(d) Deduct, in the case of each plant nearer New York City than the 201-210 mile zone, and add, in the case of each plant farther from New York City than the 201-210 mile zone, the sum obtained by multiplying the milk received from producers by the zone differential set forth in column B of the schedule in § 927.42 applicable to the plant;

(e) Deduct the total amount of the butter-cheese adjustment computed pursuant to § 927.43;

(f) With respect to milk received from producers, deduct 30 cents per hundredweight at plants in the marketing area and 20 cents per hundredweight at plants located at Accord, Ellenville, Gardiner, Kyserike, New Paltz, Phinney's Crossing, Wallkill, and West Coxsackie, New York, and in the following counties:

New Jersey counties: Burlington, Essex, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, Warren.

New York counties: Columbia, Dutchess, Orange, Putnam, Rockland.

Connecticut: Litchfield.

Massachusetts: Berkshire.

(g) Add together the handler's net pool obligation for all plants at which milk was received from producers.

§ 927.61 *Computation of the uniform price.* The market administrator shall, on or before the 14th day of each month, audit for mathematical correctness and obvious errors the report submitted for the preceding month by each handler. If the unreserved cash balance in the producer settlement fund to be included in the computation is less than two cents per hundredweight of milk received from producers on all reports, the report of any handler who has not made payment of the last monthly pool debit account rendered pursuant to § 927.71 shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly pool debits. Subject to the aforementioned conditions, the market administrator shall compute the uniform price in the following manner:

(a) Combine into one total the net pool obligations of all handlers;

(b) Subtract the total of payments required to be made for such month by § 927.76;

(c) Add the total payments required to be made by handlers for such month pursuant to § 927.78;

(d) Add the amount of unreserved cash in the producer settlement fund;

(e) Subtract an amount equal to not less than eight cents nor more than nine cents per hundredweight of milk received from producers to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers;

(f) Subtract the Class I-C milk of all handlers whose reports are included in this computation from the total milk received from producers by all such handlers; and

(g) Divide the result obtained in paragraph (e) of this section by the result obtained in paragraph (f) of this section. The result shall be known as the uniform price for milk containing 3.5 percent butterfat received from producers at plants in 201-210 mile zone.

§ 927.62 *Announcement of uniform price and weighted average butterfat differential.* The market administrator shall announce not later than the 14th day of each month, the uniform price computed pursuant to § 927.61 and not later than the 5th day of each month, the weighted average butterfat differential pursuant to § 927.67.

PAYMENT BY HANDLERS DIRECTLY TO PRODUCERS

§ 927.65 *Time and rate of payments.* On or before the 25th day of each month each handler shall make payment to each producer for all milk delivered by such producer during the preceding month at not less than the uniform price subject to differentials set forth in §§ 927.66 and 927.67: *Provided*, That each handler which is also a cooperative marketing association determined by the Secretary to be qualified under the Capper-Volstead Act, may, with respect to producers who are members of and under contract with such association, make distribution, in accordance with the contract between the association and such members, of the net proceeds of all its sales in all markets in all use classifications. Whenever verification by the market administrator of the payment to any producer or cooperative association of the payment to any producer or cooperative association of producers for milk delivered to any handler discloses payment of less than is required by this subpart, the handler shall make up such payment to the producer or cooperative association of producers not later than the time of making payment next following such disclosure: *Provided, further*, That if a handler claims that he cannot make the required payment because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make such payment from the producer settlement fund to the handler or to the lawful claimant as the case may be: *Provided, further*, That if not later than the date when such payment is required to

be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the market administrator's finding upon verification as provided above, such payment shall be made to the producer settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed, or until the handler submits proof to the market administrator that the required payment has been made to the producer or association of producers, in which latter event the payment shall be refunded to the handler.

§ 927.66 *Transportation and location differentials.* The uniform price at any plant shall be:

(a) Plus or minus the differential shown in column B of the schedule contained in § 927.42 for the zone of the plant in effect pursuant to § 927.42; and

(b) Plus the differentials, if any, applicable pursuant to § 927.60 (f) plus five cents.

§ 927.67 *Butterfat differential.* The uniform price shall be plus or minus, as the case may be, for each one-tenth of 1 percent above or below 3.5 percent of average butterfat content of milk delivered by any producer during any month, an amount equivalent to the average of the butterfat differentials determined pursuant to § 927.41, for each class weighted by the pounds of butterfat in the milk in each such class used in the computation of the uniform price for the preceding month. Such differential shall be computed to the nearest even tenth of a cent.

PRODUCER SETTLEMENT FUND AND ITS OPERATION

§ 927.70 *Producer settlement fund.* The market administrator shall establish and maintain a separate fund known as "the producer settlement fund" into which he shall deposit all payments and out of which he shall make all payments pursuant to §§ 927.72 through 927.78.

§ 927.71 *Handlers' accounts.* The market administrator shall establish an account for each handler who is required to make payments to the producer settlement fund or who received payments from the producer settlement fund. After computing the uniform price and each handler's pool debit or credit each month, and at such times as he deems appropriate, the market administrator shall render each handler a statement of his account showing the debit or credit balance, together with all debits or credits entered on such handler's account since the previous statement was rendered.

§ 927.72 *Payment to the producer settlement fund.* On or before the 18th day of each month each handler shall make full payment of the debit balance, if any, of such handler shown on the last statement of account rendered pursuant to § 927.71.

§ 927.73 *Payments out of producer settlement fund.* On or before the 20th day of each month the market administrator shall make payment to each handler of the credit balance, if any, of

such handler shown on the last statement of account rendered pursuant to § 927.71. If, at any such time, the balance in the producer settlement fund is insufficient to make full payment due to each handler, the market administrator shall reduce uniformly the payments to each handler and shall complete such payments as soon as the necessary funds are available. No handler who, on the 25th day of the month, has not received such payments in full from the market administrator shall be deemed to be in violation of §§ 927.65 through 927.67 if he reduces his total payments to producers for milk delivered by such producers during the preceding month by not more than the amount of the reduction in payment from the producer settlement fund.

§ 927.74 *Handlers' pool debit or credit.* After computing the uniform price for each month, the market administrator shall compute each handler's pool debit or pool credit as follows:

(a) Add to each handler's net pool obligations the value of his Class I-C milk at the uniform price.

(b) Multiply the quantity of milk received by each handler from producers by the uniform price.

(c) If the result obtained in paragraph (b) of this section is less than the result in paragraph (a) of this section, the difference shall be entered on the handler's producer settlement fund account as such handler's pool debit.

(d) If the result obtained in paragraph (b) of this section is greater than the result in paragraph (a) of this section, the difference shall be entered on the handler's producer settlement fund account as such handler's pool credit.

§ 927.75 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer settlement fund, the market administrator shall debit the handler's producer settlement fund account for any unpaid amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall credit the handler's producer settlement fund account for any such amount.

§ 927.76 *Cooperative payments.* Any cooperative association of producers may apply to the Secretary for a determination of its qualifications to receive payments pursuant to this section by reason of its having and exercising full authority in the sale of the milk of its members; arranging for and supplying, in a manner commensurate with the marketing capacity of the several types of cooperative associations designated in this section, in times of short supply, Class I milk to the marketing area; securing utilization of milk, in times of long supply, in a manner to assure the greatest possible return to all producers; having its entire activities under the control of its members; and complying with all provisions of this subpart applicable to it.

After the Secretary has determined any cooperative to be qualified to receive payments pursuant to this section, such cooperative shall, from time to time, as requested by the market admin-

istrator, make reports to the market administrator with respect to services rendered to the market and the use of the sums received under this section. Whenever the market administrator has reason to believe that any cooperative qualified by the Secretary is failing to perform the obligations covered by the payments under this section, he shall suspend and hold in reserve such payments, notifying the Secretary and the cooperative of his action and the reasons therefor. Such suspended payments shall be held in reserve until the Secretary has, after hearing, ruled upon the performance of the cooperative and either ordered the suspended payments to be paid to the cooperative in whole or in part or disqualified the cooperative, in which event the balance of payments held in reserve shall be returned to the producer settlement fund.

The market administrator shall make the payments authorized by this section, or issue credit therefor, out of the producer settlement fund on or before the 25th day of each month, subject to verification of the reports upon which such payment is based. Such payments shall be made to each cooperative association of producers under the following conditions and at the following rates:

(a) Three-quarters of one cent per hundredweight of milk received from producers at any handler's plant which was caused to be delivered from its members by such associations and on which such handler has made the reports and payments required by this order;

(b) Except as set forth in paragraph (c) of this section, two cents per hundredweight of milk received from producers at plants of other complying handlers which was reported and collected for by such association; and

(c) Four cents per hundredweight of milk received from producers at plants operated by such association and, if, in addition to the other qualifications, such association has been determined by the Secretary to have sufficient plant capacity to receive all the milk of producers who are members and to be willing and able to receive milk from producers not members, four cents per hundredweight of milk received from producers which was caused by it to be delivered to any other complying handler and which is reported and collected for by such association.

§ 927.77 *Storage cream payments.*

(a) For milk received from producers which is classified as Class III pursuant to § 927.37 (e) (2) the butterfat from which is subsequently assigned in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.36 to sour cream or reconstituted cream shipped to, received in, or distributed in the marketing area, or is not established to have been otherwise utilized, or to be still in storage, the handler required to file reports pursuant to § 927.52 shall pay to the producer settlement fund or be issued debits against balances due to such handler from the producer settlement fund an amount equal to 9 cents per pound of butterfat if the milk was separated in the months of March through July, and 10

cents per pound of butterfat if the milk was separated in the months of August through February.

(b) On the basis of reports pursuant to § 927.52 of the utilization of frozen cream and the market administrator's investigation and audit of such reports, the market administrator shall make payment out of the producer settlement fund to the handler filing such reports, or issue credit against balances due from such handler to the producer settlement fund, an amount equal to the butterfat adjustment on each pound of butterfat in such cream which was separated in the months of April through September from milk received from producers and was assigned, in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.36, to butter in the months of January through March.

§ 927.78 *Payments for milk or milk products from other than producer sources.* Payment shall be made by handlers to producers, through the producer settlement fund, for milk and milk products under conditions, in amounts, and by the handler pursuant to paragraphs (a) through (d) of this section.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products and skim milk, which milk or milk product meets each of the following conditions:

(1) It was derived from milk received at some plant from dairy farmers (other than the handler operating such plant) who are not producers, and is subsequently moved into the marketing area or to a pool plant; and

(2) The milk or milk equivalent of the butterfat is classified as Class I-A or Class II, or the skim milk is subject to the fluid skim differential.

(b) The amount of payment for the products set forth in paragraph (a) of this section shall be as follows:

(1) If the milk, or the milk equivalent of the butterfat, or the skim milk is classified and paid for under another order issued pursuant to the act, the amount of payment on such products except skim milk shall be any plus amount obtained by subtracting the value of the milk or the milk equivalent of the butterfat at the class price or prices under such order from the value computed in accordance with the classification and pricing set forth in this subpart. The amount of payment on skim milk shall be an amount computed pursuant to § 927.44.

(2) If the milk or milk products is derived from milk the handling of which is not regulated by another order issued pursuant to the act, the amount of payment shall be as follows: for milk, concentrated fluid milk, fluid milk products, or for cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the difference between the value of such milk, fluid milk products, cultured or flavored milk drinks, or the milk equivalent of concentrated fluid milk at the Class I-A price in the 201-210 mile zone and the Class III price in the 201-210 mile zone; for cream, fluid cream products, or for cultured or flavored milk

drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, the difference between the value of the milk equivalent of such cream, or milk drinks at the Class II price and at the value computed at the Class III price and for skim milk (either as skim milk or in cultured milk drinks), the amount computed pursuant to § 927.44.

(3) In the event that the source of such milk or milk product is not revealed, the amount of the payment shall be as follows: On milk, fluid milk products, cultured or flavored milk drinks containing 3.0 percent or more than 5.0 percent of butterfat, or the milk equivalent of concentrated fluid milk, the value of such milk, fluid products, cultured or flavored milk drinks or the milk equivalent of concentrated fluid milk at the Class I-A price in the 201-210 mile zone; on cream, fluid cream products, or cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, the value of the milk equivalent of such product at a rate per hundredweight computed pursuant to § 927.40 (e) (1) and on skim milk in the form of fluid skim milk or cultured milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, the value at a rate per hundredweight computed as follows: divide the amount computed pursuant to § 927.40 (e) (2) by 0.9125 and add an amount computed pursuant to § 927.44.

(4) In computing the milk equivalent value of products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made only once and shall be made by the appropriate handler as set forth in the following provisions:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area:

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area;

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50.

EXPENSE OF ADMINISTRATION

§ 927.80 *Payment by handlers.* As his pro rata share of the expense of administration of this subpart, each handler shall, on or before the 18th day of each month, pay to the market administrator a sum not exceeding two cents per hundredweight on the total quantity of milk which was received from producers at plants operated by such handler, directly or at the instance of a cooperative association of producers, the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be

deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, with respect to the marketing area. Whenever verification by the market administrator discloses an error in the payment made by any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section.

MISCELLANEOUS

§ 927.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this sub-

part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received (or with respect to storage cream payments pursuant to § 927.77 (b) two years after the end of the calendar month during which such cream is utilized) if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable periods of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 927.86 *Continuing obligation of handlers.* Unless otherwise provided by the Secretary in any notice of amendment, termination, or suspension of any or all of the provisions of this subpart, such amendment, termination, or suspension shall not affect, waive, or terminate any right, duty, obligation, or liability which shall have arisen or may thereafter arise in connection with any provision of this subpart; release or waive any violation of this subpart occurring prior to the effective date of such amendment, termination, or suspension; or affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 927.87 *Continuing power and duty of market administrator.* The market administrator shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary shall direct; and (c) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator pursuant to this subpart.

§ 927.88 *Liquidation.* Upon the termination or suspension of this subpart, the market administrator shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such termination or suspension. Any funds collected for expenses, pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator in liquidating the business of the market administrator's office shall be distributed by the market administrator to handlers in an equitable manner.

§ 927.89 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 1, 3, 4b, 5, 6, 13, 14, 15, 41, 42, 61]

AIRWORTHINESS REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to the airworthiness provisions of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by November 30, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after December 4, 1951, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The proposed amendments to the airworthiness regulations attached hereto stem from the studies conducted during the Board's 1951 annual airworthiness review and particularly from the discussions which took place at the annual meetings held in Washington August 6 through 16. Those issues which are sufficiently resolved are being published herein in the form of proposed amendments to the regulations. These pertain to the following parts of the Civil Air Regulations: 1, 3, 4b, 5, 6, 13, 14, 15, 41, 42, and 61. The Explanatory Statement preceding the proposed amendments explains the basis for the amendments and reasons why certain other proposals are not considered sufficiently resolved to justify specific recommendations for amendment of the regulations at the present time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 184; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated: October 17, 1951, at Washington, D. C.

By the Bureau of Safety Regulation,

[SEAL] JOHN M. CHAMBERLAIN,
Director.

Explanatory statement. The following statement sets forth the basis and purpose of the proposed amendments to the Civil Air Regulations under headings designed to facilitate reference thereto.

General (Parts 1, 3, 4b, 6, 13, 14, and 15)

Many of the proposed amendments are substantially of a minor nature, involve clarification of the presently effective rules and procedures, or consist of changes made for the purpose of language consistency in the various parts

of the regulations. Outstanding examples are proposed amendments of Part 1, Subpart A of Parts 3, 4b, and 6, and the revisions of Parts 13 and 14. These particular proposed amendments are intended to bring into uniformity all similar provisions of the administrative type contained in Subpart A of the mentioned parts, and to make them consistent with Parts 1 and 6. The latter two parts were extensively revised in 1950 and are considered to reflect more accurately, than was previously the case, the administrative procedures of certification. The presently proposed amendments do not introduce new procedures, nor do they alter the presently effective ones. Although not considered of a substantive nature, the proposed amendment which transfers from other airworthiness parts to Part 1 the requirement relating to "Changes in type design" should be noted as being significant. One of its provisions, namely § 1.24, "Service experience changes", would now make it clear that this requirement is applicable to all aircraft and components irrespective of the rules under which they were certificated. Heretofore this, or a similar rule, was contained in the individual airworthiness parts of the Civil Air Regulations (i. e. Parts 3, 4b, 6, etc.) which could be interpreted as exempting these aircraft and products presently operated which had been certificated under rules in existence prior to the Civil Aeronautics Act of 1938.

Another type of amendment which is being proposed in some of the airworthiness parts is that relating to approval of equipment, e. g. wheels, tires, brakes, skis, etc. The presently effective Part 15 contains provisions for type certification of such equipment. However, the adoption of the policy on Technical Standard Orders (TSO's) has resulted in the preparation of an increasing number of industry specifications for equipment used on aircraft. Thus, the need for retaining the provisions in Part 15 diminishes. It now appears that Technical Standard Orders will be ready for publication by the end of the year on all items of equipment for which provisions still exist in Part 15. Therefore, there will be no further need for the retention in the regulations of any of the provisions of Part 15, and it is proposed to rescind that part. In order to correct the reference within the various parts of the airworthiness regulations to reflect approval of different equipment by the system of TSO's rather than by type certification on the basis of Part 15, there are included appropriate proposed amendments. Should industry specifications for certain of the equipment now contained in Part 15 not be sufficiently resolved by the end of the year to permit the issuance of a corresponding TSO, the complete rescission of Part 15 will obviously have to be delayed.

Part 3—Airplane Airworthiness; Normal, Utility, and Acrobatic Categories

As explained under the "General" heading, Subpart A of Part 3 has been found in need of rewording and rearrangement to make it consistent with similar subparts of the other airworthi-

ness parts. In this instance the changes involved are so numerous that it is considered more convenient to rewrite the complete subpart rather than to show the changes by individual proposed amendments.

Consideration was given to an industry proposal that the speed at which trim is required be increased from 1.5 to 1.6 V_{S1} . As a result of the 1950 annual review the Board found justification to raise the trim speed from 1.4 to 1.5 V_{S1} . The justification for the additional increase now proposed is not so apparent and this matter will require further study. Therefore, the Bureau is not proposing any amendment to increase the trim speed, and the only related proposed amendments are those which are necessary for consistency with the raising of the trim speed from 1.4 to 1.5 V_{S1} as a result of the 1950 annual review.

The spin requirements for the acrobatic category are being proposed for amendment to permit normal use of the controls for recovery in lieu of the free control provision. The reasons for this proposed change are similar to the reasons which prompted the spin recovery amendment for the normal category which was adopted by the Board as a result of the 1950 annual review. The current requirement for the acrobatic category appears to be impracticable because compliance with it requires careful rigging of the controls. Although this can be accomplished on the airplane submitted for type certification flight tests, it becomes increasingly difficult to do so on all production airplanes. Even then the rigging loses adjustment after a few hours of flying or with any appreciable change in temperature. There is evidence which indicates that an airplane complying with reasonable spin recovery requirements based upon the normal use of controls is equally or more safe than an airplane complying with the presently effective spin recovery provisions contained in Part 3. In order to inform the pilot of the normal use of controls in the recovery from a spin, the proposed amendments also include a provision requiring an informatory placard in the cockpit. It is the intent of the proposed spin recovery amendment that the applicant be permitted to show compliance without requiring the showing of compliance with any of the other amendments being proposed for Part 3.

The currently effective regulations pertaining to water loads are considered in need of revision in view of studies made during the past few years. Therefore, there are included proposed revisions which would make the water load regulations more consistent with the latest state of the art. Since water load criteria are similar irrespective of the type and category of airplanes, an identical revision is being proposed for Part 4b. In view of the relatively infrequent usage of water load criteria, the Bureau proposes that the text of such criteria be incorporated in Part 4b, and that the corresponding provisions in Part 3 refer to the appropriate sections of Part 4b.

A few minor substantive changes are being proposed in Part 3 involving

power setting for stall demonstration, fire wall construction, and flight instruments, as well as the equipment changes referred to under the "General" heading of this Explanatory Statement. Although additional miscellaneous proposals have been made regarding instruments, auto pilots, electrical systems, and others, these additional proposals are not considered sufficiently resolved to justify amendment of the regulations at this time.

The problem of simplified strength criteria for Part 3 has been under discussion for some time, and certain proposals have been made. It is considered that further study is necessary on these proposals before they can be incorporated in the regulations. In the meantime the Civil Aeronautics Administration will explore the possibility of using all, or some, of the provisions of the proposals as manual material for Part 3. It is possible that this matter can be resolved in time to include with the other proposed amendments a clause in Part 3 which would authorize the Administrator to accept proof of structural compliance by the use of such simplified criteria as would give at least the same level of safety as the strength criteria now prescribed in Part 3. In this connection a proposal for flight test techniques to substantiate the structural integrity of the airplane is reflected in a proposed amendment to § 3.174 which makes it clearer than heretofore that such tests will be acceptable.

No proposal is included for amending the regulations to require provisions for the installation of shoulder harnesses. This subject was also discussed at the 1950 annual meetings, and no action was taken at that time. It does not appear that the promulgation of a regulation in this regard at this time would contribute to the development of shoulder harness installations. The manufacturers at the present are continuing with the development of appropriate installations and are prepared to equip new aircraft at the option of the purchaser. It also became apparent during the discussions on this subject that certain industry groups did not consider a requirement for the mandatory installation of shoulder harness provisions as being appropriate material for inclusion in the regulations regardless of whether or not the manufacturers were prepared to make adequate installations. It appears therefore that this subject is in need of further exploration before any proposal for amendment of the regulations can be made.

Part 4b—Airplane Airworthiness; Transport Categories

Subpart A of Part 4b is being proposed for revision similar to that proposed for Subpart A of Part 3. As stated under the "General" heading, this proposed revision involves rewording and some rearrangement to attain consistency with similar subparts of the other airworthiness parts.

A number of items dealing with performance, flight characteristics, and controllability are being proposed for amendment. Of the performance items the most prominent one is with respect

to the minimum one-engine-out en route climb requirement. The presently effective regulations establish minima based upon the maximum weight of the airplane. Experience has indicated that a more appropriate basis is the number of engines involved. Consequently, it is proposed to replace the present one-engine-out en route climb criterion based on maximum weight by one which is based upon the number of engines involved (see proposed § 4b.120 (c)).

The present regulations defining the minimum control speed (see § 4b.133 (a)) are considered in need of clarification with respect to the airplane's configuration. Therefore, the proposal defines more completely the required configuration. In this connection the position of the propeller on the inoperative engine is specified as being windmilling, except in those instances where the specific design of propeller control would make it more logical to assume a different position.

As a result of a proposal by the manufacturing industry, consideration was given during the annual meeting to a change in the stall requirements (see §§ 4b.160 through 4b.162). It appears that the presently effective regulations, if complied with literally, can result in unrealistic and sometimes dangerous testing procedures. In order to establish clearly the intent of the stall requirements including those pertaining to stall warning, a proposed amendment is included. The proposed requirement defines the stall for the purpose of flight testing, basing it upon the break in the lift curve with accompanying typical indications to the pilot. It also attempts to set up a practical criterion for stall warning. The complexity of properly evaluating the stall characteristics of an airplane requires a very careful assessment of the corresponding regulation. In this instance the proposal contained herein is being used in conjunction with the type certification of a new model airplane. It is possible that as a result of this trial application the present proposal will require certain changes before it can be considered adequate for presentation to the Board for adoption.

Consideration was given to a proposal regarding the relation between center of gravity positions and the stalling speed (see § 4b.112 (a) (6)). This proposal brought out the possibility of misinterpretation of the rule. One of the interpretations would permit the establishment of a maximum weight versus center of gravity envelope, whereas the other would require individual values of maximum weight for corresponding specific ranges of c. g. travel. It appears to the Bureau that the use of a weight versus c. g. envelope is consistent with the intent of the presently effective regulations. Although this point could be made clearer in the regulations, no amendments are being proposed at this time because, as subsequently explained, a study of the performance requirements for transport category airplanes is being undertaken with the view toward a complete revision of the performance standards.

The present regulations in Part 4b and in the performance limitations of the operating parts include requirements for temperature accountability both directly and indirectly. Humidity accountability is also considered indirectly to a certain extent. Consideration has been given to the establishment of specific and more clearly defined rules for temperature and humidity accountability. However, the form of the presently effective performance requirements is not conducive to a practical and straightforward solution of this problem. Also, there is insufficient indication that the present performance requirements, if judiciously implemented, result in an unsatisfactory level of safety. The problem requires further study and therefore no amendments are being proposed at this time.

The subject of drift-down was discussed at the annual meeting at the request of the air carrier industry. The industry's proposal was mainly centered on proposed amendments to the operating parts of the regulations and would eliminate the requirement for minimum en route climb under those conditions which permit the flight with an inoperative engine to clear terrain. It was pointed out, however, that the scheduling of drift-down would require consideration of performance related to ambient conditions of temperature and humidity, the effects of wind, navigational position errors, and air traffic control problems. It appears that the concept of drift-down is a sound one if used in conjunction with an appropriate set of performance requirements. Drift-down, however, is not compatible with the concept of the presently effective regulations. No proposal is being made therefore to introduce drift-down; instead the subject is being included in the general study of revised performance requirements.

The present take-off performance requirements (see § 4b.116) specify in effect in the initial stages of the take-off path a configuration of the airplane with a windmilling propeller. This rule is based upon the time required for the crew to feather the inoperative propeller after engine failure at the critical point. This requirement has been interpreted in the past to permit a feathered instead of a windmilling position of the propeller in those cases where automatic feathering is used. During the annual meeting certain manufacturing industry groups requested that similar treatment be given to installations which have automatic indication of power failure in lieu of automatic feathering. This subject is being treated in a separate draft release (see Draft Release No. 51-10 dated October 11, 1951).

The presently effective performance requirements for transport category airplanes were promulgated by the Board in 1945 and were based upon studies which took place for a number of years prior to the date of their adoption. They reflect experience with airplanes relatively smaller and less complicated in design as compared to airplanes which have recently been put into operation or those which are now in the design stage. The discussions at the annual

meeting on various phases of transport category performance requirements indicate very clearly the necessity of a rather complete re-evaluation of these regulations. Many of the detailed problems recently brought up for discussion with respect to performance cannot be satisfactorily resolved until such a complete revision takes place. It is the intent of the Bureau to proceed as expeditiously as possible and with full coordination with other governmental agencies and all industry groups concerned to resolve first the basic principles and subsequently the various details of a new set of transport category performance requirements. The appropriate coordination in this respect is expected to start very shortly.

Among the proposed amendments dealing with the structural requirements are those pertaining to control surface and system design, flutter and vibration, transient stresses, and fatigue. Although substantive in nature they reflect generally accepted practice based upon experience in recent years.

In addition to the miscellaneous structural amendments there is included a revised set of water load requirements which are based upon studies made during the past few years. It is realized that the subject of water loads is not a pressing one from the standpoint of the regulations because of the relative lack of activity in the manufacture of transport category flying boats. However, the omission from the regulations of this vital subject to the design of flying boats is not considered advisable at this time.

An amendment of considerable significance is being proposed regarding crash load factors. The presently specified factor in the forward direction is 6.0g. It is proposed to amend this value to 9.0g (see § 4b.260 (a)). In addition it is proposed to increase the crash load factors in all directions by 33 percent for the design of seat or berth attachments to the structure and safety belt or shoulder harness attachments to the seat, berth, or structure. These proposed increases in crash load factors are considered to be essential for the protection of occupants in case of crash landings. Experience has indicated rather conclusively that the presently effective rules are not wholly adequate in this respect.

Numerous detailed requirements are being proposed for Subpart D of Part 4b. Some of these pertain to equipment which, under the proposal, will be approved under the TSO system. Other minor proposed changes are for reasons of clarification, including those pertaining to ventilation of crew and passenger compartments, protection of flammable fluids, etc.

A new substantive proposal is being made to specify a flight engineer station where the workload requires a flight engineer. In specifying a station the intent is not to eliminate a jump seat location in those instances where the flight engineer could perform his duties satisfactorily without causing interference between members of the crew.

During and subsequent to the annual airworthiness meeting discussions were held regarding new emergency evacua-

tion provisions. A proposal resulting from these discussions has been made the subject of a separate publication of proposed rule making (see Civil Air Regulations Draft Release No. 51-8, dated October 4, 1951).

A provision for the design of windshields and windows in pressurized airplanes is being proposed, requiring taking into account factors peculiar to high altitude operation. It is believed that sudden depressurization of the cabin at altitudes above 20,000 feet implies such serious danger to the occupants that special design precautions should be made to preclude the failure of openings such as windshields and windows.

No proposed amendments requiring the installation of shoulder harnesses for crew members on transport category airplanes are made at this time. This subject was discussed at the annual airworthiness meeting, and it appears that the development of shoulder harness installations has not progressed to the point where a specific requirement in the regulations would be advantageous to the public (see also discussion on same subject under Part 3).

There are proposed certain amendments on the subject of fire protection other than that applicable to powerplants. Hand fire extinguishers in passenger and crew compartments are more specifically prescribed, and an additional Class D category compartment is established. The subject of fire protection for combustion heaters is proposed to be treated separately rather than in conjunction with engine fire protection.

During the annual airworthiness review the Bureau proposed the establishment of powerplant installation provisions for turbine engines. It was envisioned that these requirements would be made separate from the corresponding requirements for reciprocating engines. However, it now appears advisable in setting up turbine installation provisions to limit them to the more objective requirements until such time as experience with the operation of turbine engine airplanes will permit the promulgation of the more specific detail requirements. It is believed that more study is necessary before an appropriate proposal along this line can be presented to the Board for adoption. In the meantime the Bureau is proposing to amend the applicability clause to Subpart E of Part 4b to make such of the provisions of this subpart applicable as are appropriate to turbine engine installations.

Numerous proposed amendments to the detail provisions of powerplant installation requirements are included. These deal to a large extent with clarifications, although certain of the provisions are substantive in nature, particularly with respect to engine fire protection.

The requirement with respect to the propeller reversing controls (see § 4b.474 (c)) is proposed for amendment in order to define more clearly the intent of this regulation. It is believed that the design of the propeller reversing control should preclude the possibility of inadvertent movement to the reverse position. The proposed change retains the necessary objectivity of the requirement

but is more definite as to intent than the presently effective requirement.

The problem of take-off cooling tests was discussed at length at the annual airworthiness meeting. The Bureau considers the matter controversial and requiring further study. Until such time as the problem can be resolved, the Bureau is not offering any proposed amendment to the regulations.

A few changes are proposed pertaining to the installation of navigational and powerplant instruments. It is proposed to include a provision requiring a maximum allowable air-speed indicator on airplanes having air-speed limitations resulting from compressibility hazards. Also, it is proposed to require fuel pressure and oil pressure indicators and warning devices for each engine. Another proposal would require a means (BMEP gauge or equivalent) for indicating a change in power output on engines equipped with automatic feathering.

A new provision is being proposed regarding equipment, systems, and installations in Subpart F of Part 4b (see proposed § 4b.606). This provision clarifies the requirement for all equipment, systems, and installations with regard to functioning and reliability. In addition it specifies dual power supply for those installations the functioning of which is necessary in showing compliance with the Civil Air Regulations.

The presently effective requirements for the electrical system are considered inadequate when applied to the newer type designs. They were promulgated at a time when electrical systems were relatively simple. It is proposed to rewrite the electrical provisions (see §§ 4b.620 through 4b.628) so that they can be made applicable to new airplane designs. The new proposed rules are considered to consist mainly of objective provisions sufficiently flexible as not to hinder the detail design of electrical systems. Details which have been adopted by the industry as common practice have been avoided in so far as practicable.

A new provision is being proposed prescribing accessibility and identification of all safety equipment carried in the airplane. This is considered necessary to facilitate the use of the safety equipment on board by passengers and crew in emergencies.

Additional rules are being proposed with respect to oxygen equipment and supply. These include provisions for the protection from fire and rupture of oxygen equipment and lines. In addition, the provisions on protective breathing equipment, which are presently contained in the operating parts of the regulations, are being added to Part 4b.

The presently effective requirements for hydraulic systems are considered lacking in clarity and completeness. It is proposed, therefore, to revise them in the light of past experience.

The subject of a cargo transport category was discussed at length at the annual airworthiness meeting, as a result of which the Bureau proposes to establish specific rules by amending certain parts of the regulations, including Part

4b. The specific proposal is being treated separately.

Part 5—Glider Airworthiness

In the past, pending the development of specific airworthiness requirements for gliders, the Administrator of Civil Aeronautics has been type certifying gliders on the basis of certain applicable provisions of Part 3 of the Civil Air Regulations together with certain supplementary material specifically intended for gliders. It had been hoped that at some time in the future the specific glider provisions could be incorporated in the regulations. It now appears that the past satisfactory procedure with respect to the certification of gliders and the relatively few type certificates being issued obviates the necessity of an early promulgation of specific detail regulations. From the legal standpoint, however, it is advisable for the Civil Air Regulations to reflect the present procedure until such time as detail glider airworthiness requirements are developed. For this reason the Bureau proposes the establishment of Part 5 of the Civil Air Regulations to be titled "Glider Airworthiness" and to consist of the administrative material necessary to reflect type certification procedures. The proposed part includes material essentially identical to that in Subpart A of other airworthiness parts of the regulations. Section 5.10 would establish the airworthiness provisions of Part 3 as the basis for the type certification of gliders.

Part 6—Rotorcraft Airworthiness

The proposed changes to Part 6 are only of a minor nature. This part was completely revised as a result of the 1950 annual airworthiness review. At the present there is a need only for minor clarifying amendments, mainly to the administrative provisions of Subpart A and to the requirements reflecting the approval of wheels under the Technical Standard Order system (see discussion under the "General" heading).

The only change in substance being proposed is the addition of a provision pertaining to power-off landings for multiengine rotorcraft. The purpose of this provision is to assure an appropriate degree of safety in case of power failure in the air.

Part 13—Aircraft Engine Airworthiness

The Bureau proposes to recommend to the Board the adoption of a revised Part 13. The present Part 13 became effective on August 1, 1941, and has remained substantively unchanged to date. Therefore one of the objectives of the proposed revision is to make the part consistent with other airworthiness parts of the regulations from the standpoint of general form, arrangement of sections, and language, particularly of the administrative portions of the text. A second reason is to revise the present substance which is applicable to reciprocating type engines to reflect more accurately the technical aspects of type certifying engines of recent design, and to add provisions applicable to turbine type engines.

The proposed Part 13 is divided into three subparts, Subpart A being made similar to corresponding subparts of other airworthiness parts of the regulations, while Subparts B and C contain the airworthiness provisions for reciprocating and turbine type engines, respectively.

In proposing Subpart A it is not intended to alter in any manner the presently effective rules and procedures with respect to the administrative phases of engine type certification.

The provisions of Subpart B pertaining to reciprocating engines are essentially the same as the presently effective regulations. The changes made are mainly for the purpose of clarification and to reflect present-day practices. In some instances the proposed rules are made more consistent in detail language with corresponding international standards.

Subpart C pertaining to turbine engines contains new material. The presently effective regulations were not intended to be applied in full to this type of engine. The advent of the turbine engine has now made it necessary to include in the regulations specific airworthiness provisions. It is realized, however, that limited experience with this type of engine makes it inadvisable to establish rules which are too specific. Consequently, the proposed Subpart C includes only such provisions as are deemed to be sufficiently objective to permit flexibility of design. As in the case of Subpart B, some of the detailed provisions are made consistent with the corresponding international standards.

Part 14—Aircraft Propeller Airworthiness

The presently effective Part 14 was issued on May 31, 1938, and to date has been amended only in minor details. Consequently, it is proposed to revise Part 14 to make it consistent with other airworthiness parts of the regulations from the standpoint of general form, arrangement of sections, and language, particularly in the administrative portions of the text. To this end the proposed revision is divided into Subparts A and B. The first of these, Subpart A, follows closely, and is in most cases identical to, Subpart A of other airworthiness parts of the regulations.

Proposed Subpart B differs from the presently effective Part 14 in arrangement and language to bring it into consistency with other airworthiness parts of the regulations. While certain obsolete provisions have been deleted, new provisions have been included to reflect present-day practices. Some of the language changes have been made consistent with corresponding ICAO standards. There is no intent in the proposal to alter the rules, procedures, and practices presently effective in the certification of propellers.

Part 15—Aircraft Equipment Airworthiness

It is proposed to rescind Part 15 subject to the completion of pertinent Technical Standard Orders (see discussion under the "General" heading).

Parts 41, 42, and 61—Operating Airworthiness Rules

The discussions at the annual airworthiness meeting on transport category performance requirements indicated the desirability of making a few changes in the performance operating rules of the presently effective Parts 41, 42, and 61. The proposed amendments to the operating rules include a provision for the take-off and landing distance limitations which specifies the use of not less than 150 percent of the reported wind component in down-wind take-offs and landings. Heretofore the regulations prescribed only a 50 percent wind component in up-wind take-offs and landings. The addition makes the rule consistent with acceptable practices.

An additional change is proposed to the landing distance limitation in the operating rules to make these consistent with each other by specifying "probable" conditions of wind velocity in all three parts.

In order to make the performance operating limitations consistent with the airworthiness requirements specified in Part 4b, it is proposed that the one-engine-inoperative en route climb be specified in terms of a criterion based upon number of engines rather than upon the maximum weight of the airplane (see also Explanatory Statement under the heading of Part 4b on the same subject).

During the annual meeting discussions were held regarding the two-engine-out en route climb requirement in the operating parts of the regulations. It was agreed that the language of this requirement in all three parts is not clear with respect to the point at which the two engines are assumed to fail. It was suggested that the interpretation of the present rule assume both engines to fail at the critical point. It was further suggested that a study should be made for the purpose of rewriting the language of the pertinent provisions in Parts 41, 42, and 61. The Bureau does not propose any change in the language of this rule at this time but intends to give this matter further study and to propose appropriate changes in conjunction with the next revisions of the parts concerned.

New framework of airworthiness requirements. One of the items discussed at the annual airworthiness meeting was the subject of a new framework and categorization system for airplane airworthiness. A proposal presented by this Bureau was discussed, and views were obtained on certain basic principles. Specifically, the proposal envisioned airplanes to be divided into four categories, namely, Personal, Commercial, Limited Transport (passengers and cargo), and Transport (passengers and cargo). At this time, except for the proposal for a cargo transport category, the Bureau does not propose any specific changes in the regulations. Instead, it intends to give this subject thorough study during the coming months with the objective of preparing more specific proposals during the 1952 annual review.

a. It is proposed to amend Part 1, effective January 1, 1952, as follows:

1. By amending § 1.2 to read as follows:

§ 1.2 *Type design.* The type design shall consist of such drawings and specifications as are necessary to disclose the configuration of the product and all the design features covered in the requirements of that part of the Civil Air Regulations under which the product is certificated, such information on dimensions, materials, and processes as is necessary to define the structural strength of the product, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent products of the same type.

2. By amending § 1.12 (a) to read as follows:

§ 1.12 *Requirements for issuance.*

(a) The applicant has submitted the type design (see § 1.2), test reports, and computations as may be required by that part of the Civil Air Regulations under which the product is to be certificated.

3. By rescinding § 1.14.

4. By redesignating §§ 1.15, 1.16, 1.17, 1.18, 1.19, and 1.20 as §§ 1.14, 1.15, 1.16, 1.17, 1.18, and 1.19, respectively.

5. By adding a new heading and §§ 1.20 through 1.24 thereunder to read as follows:

CHANGES IN TYPE DESIGN

§ 1.20 *General.* When the type design is changed, the applicant or holder of the type certificate shall demonstrate that the product complies with the requirements of that part of the Civil Air Regulations under which it is certificated.

§ 1.21 *Classification of changes.* Changes shall be classified as minor and major. A minor change shall be one which has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product. A major change shall be one not classified as a minor change.

§ 1.22 *Approval of minor changes.* Minor changes in a type design may be approved by an authorized representative of the Administrator prior to the submittal to the Administrator of any substantiating or descriptive data.

§ 1.23 *Approval of major changes.* Major changes in a type design shall be approved only after receipt by the Administrator of substantiating data and necessary descriptive data for inclusion in the type design.

§ 1.24 *Service experience changes.* (a) Where the Administrator finds as a result of service experience that an unsafe condition exists or is likely to develop with respect to a design feature, part, or characteristic of any product, he shall provide notice¹ thereof for all operators of products of that type, and the product shall not thereafter be operated until the unsafe condition has been

corrected, unless otherwise authorized by the Administrator under specified conditions and limitations, including inspections. In addition, the provisions of subparagraphs (1) through (3) of this paragraph shall apply.

(1) When the Administrator finds that design changes are necessary to correct the unsafe condition of the product, the holder of the type certificate, upon request of the Administrator, shall submit appropriate design changes for the approval of the Administrator.

(2) Upon approval, such changes shall be made a part of the type design of the type certificate, and descriptive data covering the changes shall be made available to the holder of the type certificate to all operators of products previously certificated under such type certificate.

(3) All products of the same type shall be modified in accordance with such amended type certificate.

(b) Where no current unsafe condition exists but the Administrator or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes for the approval of the Administrator. Upon approval of such changes the type design of the type certificate shall be amended accordingly, and all products manufactured thereafter shall be modified in accordance with such amended type certificate. The manufacturer shall make available to all operators of the same type of product information on the design changes.

6. By amending § 1.64 (a) (1) by deleting the word "airworthiness."

b. It is proposed to amend Part 3, effective January 1, 1952, as follows:

1. By amending Subpart A to read as follows:

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 3.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of type certificates for normal, utility, and acrobatic category airplanes. This part, until superseded or rescinded, shall apply to all normal, utility, and acrobatic category airplanes for which applications for type certification are made after the effective date of this part.

§ 3.1 *Definitions.* As used in this part terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of an airplane or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *General design*—(1) *Standard atmosphere.* The standard atmosphere is an atmosphere defined as follows:

(i) The air is a dry, perfect gas,
(ii) The temperature at sea level is 59° F.,

(iii) The pressure at sea level is 29.92 inches Hg,

(iv) The temperature gradient from sea level to the altitude at which the temperature equals -67° F. is -0.003566° F./ft. and zero thereafter,

(v) The density ρ_0 at sea level under the above conditions is 0.002378 lb. sec.²/ft.⁴.

(2) *Maximum anticipated air temperature.* The maximum anticipated air temperature is a temperature specified for the purpose of compliance with the powerplant cooling standards. (See § 3.583.)

(3) *Airplane configuration.* Airplane configuration is a term referring to the position of the various elements affecting the aerodynamic characteristics of the airplane (e. g. wing flaps, landing gear).

(4) *Aerodynamic coefficients.* Aerodynamic coefficients are nondimensional coefficients for forces and moments. They correspond with those adopted by the U. S. National Advisory Committee for Aeronautics.

(5) *Critical engine(s).* The critical engine is that engine(s) the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

(c) *Weights*—(1) *Maximum weight.* The maximum weight of the airplane is that maximum at which compliance with the requirements of this part of the Civil Air Regulations is demonstrated. (See § 3.74.)

(2) *Minimum weight.* The minimum weight of the airplane is that minimum at which compliance with the requirements of this part of the Civil Air Regulations is demonstrated. (See § 3.75.)

(3) *Empty weight.* The empty weight of the airplane is a readily reproducible weight which is used in the determination of the operating weights. (See § 3.73.)

(4) *Design maximum weight.* The design maximum weight is the maximum weight of the airplane at which compliance is shown with the structural loading conditions. (See § 3.181.)

(5) *Design minimum weight.* The design minimum weight is the minimum weight of the airplane at which compliance is shown with the structural loading conditions. (See § 3.181.)

(6) *Design landing weight.* The design landing weight is the maximum airplane weight used in structural design for landing conditions at the maximum velocity of descent. (See § 3.242.)

(7) *Design unit weight.* The design unit weight is a representative weight used to show compliance with the structural design requirements:

(i) Gasoline 6 pounds per U. S. gallon.
(ii) Lubricating oil 7.5 pounds per U. S. gallon.

(iii) Crew and passengers 170 pounds per person.

(d) *Speeds*—(1) *IAS.* Indicated air speed is equal to the pitot static air-speed indicator reading as installed in the airplane without correction for air-speed indicator system errors but including the sea level standard adiabatic compressible flow correction. (This latter correction is included in the calibration of the air-speed instrument dials.)

¹ Notification of any unsafe condition, of the required corrective action, and of compliance dates is usually provided through the medium of Airworthiness Directives issued by the Administrator.

(2) *CAS*. Calibrated air speed is equal to the air-speed indicator reading corrected for position and instrument error. (As a result of the sea level adiabatic compressible flow correction to the air-speed instrument dial, CAS is equal to the true air speed TAS in standard atmosphere at sea level.)

(3) *EAS*. Equivalent air speed is equal to the air-speed indicator reading corrected for position error, instrument error, and for adiabatic compressible flow for the particular altitude. (EAS is equal to CAS at sea level in standard atmosphere.)

(4) *TAS*. True air speed of the airplane relative to undisturbed air. ($TAS = EAS(\rho_0/\rho)^{1/2}$).

(5) *V_C*. The design cruising speed. (See § 3.184.)

(6) *V_D*. The design driving speed. (See § 3.184.)

(7) *V_F*. The design flap speed for flight loading conditions with wing flaps in the landing position. (See § 3.190.)

(8) *V_{FE}*. The flap extended speed is a maximum speed with wing flaps in a prescribed extended position. (See § 3.742.)

(9) *V_H*. The maximum speed obtainable in level flight with rated rpm and power.

(10) *V_{MC}*. The minimum control speed with the critical engine inoperative. (See § 3.111.)

(11) *V_{NE}*. The never-exceed speed. (See § 3.739.)

(12) *V_{NO}*. The maximum structural cruising speed. (See § 3.740.)

(13) *V_P*. The design maneuvering speed. (See § 3.184.)

(14) *V_{SP}*. The stalling speed computed at the design landing weight with the flaps fully extended. (See § 3.190.)

(15) *V_{S0}*. The stalling speed or the minimum steady flight speed with wing flaps in the landing position. (See § 3.82.)

(16) *V_{S1}*. The stalling speed or the minimum steady flight speed obtained in a specified configuration. (See § 3.82.)

(17) *V_X*. The speed for best angle of climb.

(18) *V_Y*. The speed for best rate of climb.

(e) *Structural*—(1) *Limit load*. A limit load is the maximum load anticipated in normal conditions of operation. (See § 3.171.)

(2) *Ultimate load*. An ultimate load is a limit load multiplied by the appropriate factor of safety. (See § 3.173.)

(3) *Factor of safety*. The factor of safety is a design factor used to provide for the possibility of loads greater than those anticipated in normal conditions of operation and for uncertainties in design. (See § 3.172.)

(4) *Load factor*. The load factor is the ratio of a specified load to the total weight of the airplane. The specified load may be expressed in terms of any of the following: aerodynamic forces, inertia forces, or ground or water reactions.

(5) *Limit load factor*. The limit load factor is the load factor corresponding with limit loads.

(6) *Ultimate load factor*. The ultimate load factor is the load factor corresponding with ultimate loads.

(7) *Design wing area*. The design wing area is the area enclosed by the wing outline (including wing flaps in the retracted position and ailerons, but excluding fillets or fairings) on a surface containing the wing chords. The outline is assumed to be extended through the nacelles and fuselage to the plane of symmetry in any reasonable manner.

(8) *Balancing tail load*. A balancing tail load is that load necessary to place the airplane in equilibrium with zero pitch acceleration.

(9) *Fitting*. A fitting is a part or terminal used to join one structure member to another. (See § 3.306.)

(f) *Power installation*—(1) *Brake horsepower*. Brake horsepower is the power delivered at the propeller shaft of the engine.

(2) *Take-off power*. Take-off power is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum continuous power*. Maximum continuous power is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(4) *Manifold pressure*. Manifold pressure is the absolute pressure measured at the appropriate point in the induction system, usually in inches of mercury.

(5) *Critical altitude*. The critical altitude is the maximum altitude at which in standard atmosphere it is possible to maintain, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(i) The maximum continuous power, in the case of engines for which this power rating is the same at sea level or at the rated altitude.

(ii) The maximum continuous rated manifold pressure, in the case of engines the maximum continuous power of which is governed by a constant manifold pressure.

(6) *Pitch setting*. Pitch setting is the propeller blade setting determined by the blade angle measured in a manner, and at a radius, specified in the instruction manual for the propeller.

(7) *Feathered pitch*. Feathered pitch is the pitch setting, chosen by the applicant, which in flight, with the engines stopped, gives approximately the minimum drag and corresponds with a windmilling torque of approximately zero.

*For engine airworthiness requirements see Part 13 of this subchapter, for propeller airworthiness requirements see Part 14 of this subchapter.

(8) *Reverse pitch*. Reserve pitch is the propeller pitch setting for any blade angle used beyond zero pitch (e. g. the negative angle used for reverse thrust).

(g) *Fire protection*—(1) *Fireproof*. Fireproof material means material which will withstand heat at least as well as steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most adverse conditions of fire and duration likely to occur in such zones.

(2) *Fire-resistant*. When applied to sheet or structural members, fire-resistant material means a material which will withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, other flammable fluid system components, wiring, air ducts, fittings, and power-plant controls, this term refers to a line and fitting assembly, component, wiring, or duct, or controls which will perform the intended functions under the heat and other conditions likely to occur at the particular location.

(3) *Flame-resistant*. Flame-resistant material means material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

(4) *Flash-resistant*. Flash-resistant material means material which will not burn violently when ignited.

(5) *Flammable*. Flammable pertains to those fluids or gases which will ignite readily or explode.

CERTIFICATION

§ 3.10 *Eligibility for type certificate*. An airplane shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided*, That the Administrator finds no feature or characteristic of the airplane which renders it unsafe for the category in which it is certificated.

§ 3.11 *Designation of applicable regulations*. (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of Part 1 of the Civil Air Regulations by the Administrator, any change to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the Civil Air Regulations with which compliance was demonstrated.

§ 3.12 *Amendment of part.* Unless otherwise established by the Board, an amendment of this part shall be effective with respect to airplanes for which applications for type certificates are filed after the effective date of the amendment.

§ 3.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the airplane by complying with the requirements of §§ 3.14 through 3.16 in addition to those contained in Part 1 of the Civil Air Regulations.

(b) The type certificate shall be deemed to include the type design (see § 3.14 (b)), the operating limitations for the airplane (see § 3.737), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 3.11 (a).)

§ 3.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the airplane complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the airplane and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the airplane, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent airplanes of the same type.

§ 3.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the airplane complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design.

(b) All parts of the airplane are constructed in accordance with the drawings in the type design.

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

§ 3.16 *Flight tests.* After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of the conformity of the airplane with the type design, and upon receipt from the applicant of a report of flight tests performed by him, the following shall be conducted:

(a) Such official flight tests as the Administrator finds necessary to determine compliance with the requirements of this part.

(b) After the conclusion of flight tests specified in paragraph (a) of this section, such additional flight tests, on airplanes having a maximum certificated take-off weight of more than 6,000

pounds, as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the airplane, the number and nature of new design features, and the record of previous tests and experience for the particular airplane type, its components, and equipment. If practicable, these flight tests shall be conducted on the same airplane used in the flight tests specified in paragraph (a) of this section.

§ 3.17 *Airworthiness, experimental, and production certificates.* (For requirements with regard to these certificates see Part 1 of the Civil Air Regulations.)

§ 3.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 3.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of the Civil Air Regulations.)

AIRPLANE CATEGORIES

§ 3.20 *Airplane categories.* (a) In this part airplanes are divided upon the basis of their intended operation into the following categories for the purpose of certification.

(1) *Normal—suffix "N".* Airplanes in this category are intended for nonacrobatic, nonscheduled passenger, and nonscheduled cargo operation.

(2) *Utility—suffix "U".* Airplanes in this category are intended for normal operations and limited acrobatic maneuvers. These airplanes are not suited for use in snap or inverted maneuvers.

Note: The following interpretation of paragraph (a) (2) was issued May 15, 1947, 12 F. R. 3434: The phrase "limited acrobatic maneuvers" as used in § 3.20 is interpreted to include steep turns, spins, stalls (except whip stalls), lazy eights, and chandelles.

(3) *Acrobatic—suffix "A".* Airplanes in this category will have no specific restrictions as to type of maneuver permitted unless the necessity therefor is disclosed by the required flight tests.

(b) An airplane may be certificated under the requirements of a particular category, or in more than one category, provided that all of the requirements of such categories are met. Sections of

this part which apply to only one or more, but not all, categories are identified in this part by the appropriate suffixes added to the section number, as indicated in paragraph (a) of this section. All sections not identified by a suffix are applicable to all categories except as otherwise specified.

Note: For rules governing the eligibility of airplanes certificated under this part for use in air carrier operations see Parts 40, 41, 42, and 61 of this subchapter.

2. By amending § 3.109 (a) (2) to read as follows:

§ 3.109 *Longitudinal control.* * * *

(a) * * *

(2) Power off, airplanes of more than 6,000 pounds maximum weight trimmed at 1.4 V_{S1} , and airplanes of 6,000 pounds or less maximum weight trimmed at 1.5 V_{S1} .

3. By amending § 3.109 (b) (1), (2), (4), and (6) by deleting the words "trimmed at 1.4 V_{S1} " and inserting in lieu thereof the words "trimmed as prescribed in subparagraph (a) (2) of this section."

4. By amending § 3.115 (a) (5) to read as follows:

§ 3.115 *Specific conditions.* * * *

(a) *Landing.* * * *

(5) Airplanes of more than 6,000 pounds maximum weight trimmed at 1.4 V_{S1} , and airplanes of 6,000 pounds or less maximum weight trimmed at 1.5 V_{S1} .

5. By amending § 3.120 (a) (2) to read as follows:

§ 3.120 *Stalling demonstration.* (a) * * *

(2) With a power setting of not less than that required to show compliance with the provisions of § 3.85 (a) (1) for airplanes of more than 6,000 pounds maximum weight, or with 90 percent of take-off power for airplanes of 6,000 pounds or less maximum weight.

6. By amending § 3.120 (g) (1) to read as follows:

(g) * * *

(1) With trim controls adjusted for straight flight at a speed of approximately 1.4 V_{S1} for airplanes of more than 6,000 pounds maximum weight, or approximately 1.5 V_{S1} for airplanes of 6,000 pounds or less maximum weight, the speed shall be reduced by means of the elevator control until the speed is slightly above the stalling speed; then

7. By amending § 3.124 (c) to read as follows:

§ 3.124 *Spinning.* * * *

(c) *Category A.* All airplanes in this category shall be capable of spinning and shall comply with the following:

(1) At any permissible combination of weight and center of gravity position obtainable with all or part of the design useful load, the airplane shall recover from a six-turn spin, or from any point in a six-turn spin, in not more than 1½ additional turns after the application of the controls in the manner normally used for recovery.

(2) It shall be possible to recover from the maneuver prescribed in subpara-

graph (1) of this paragraph without exceeding either the limiting air speed or the limit positive maneuvering load factor of the airplane.

(3) It shall not be possible to obtain uncontrollable spins by means of any possible use of the controls.

(4) A placard shall be placed in the cockpit of the airplane setting forth the use of the controls required for recovery from spinning maneuvers.

8. By amending § 3.174 by adding a new sentence following the third sentence of this section to read as follows: "Dynamic tests including structural flight tests shall be acceptable provided that it is demonstrated that the design load conditions have been simulated."

9. By rescinding §§ 3.265 through 3.282 and figure 3-13 and by adding in lieu thereof new §§ 3.265 through 3.267 to read as follows:

§ 3.265 *Water load conditions.* The structure of boat and float type seaplanes shall be designed for water loads developed during take-off and landing with the seaplane in any attitude likely to occur in normal operation at appropriate forward and sinking velocities under the most severe sea conditions likely to be encountered. Unless a more rational analysis of the water loads is performed, the requirements of §§ 4b.251 through 4b.257 of Part 4b of the Civil Air Regulations shall apply.

§ 3.266 *Auxiliary float attachments.* The strength of the wing structure shall be sufficient to insure that failure of auxiliary float attachment members occurs before the wing structure is damaged.

§ 3.267 *Seawing loads.* Seawing design loads shall be based on applicable test data.

10. By amending § 3.361 to read as follows:

§ 3.361 *Wheels.* Main wheels and nose wheels shall be of an approved type. The maximum static load rating of each main wheel and nose wheel shall not be less than the corresponding static ground reaction under the design maximum weight of the airplane and the critical center of gravity position. The maximum limit load rating of each main wheel and nose wheel shall not be less than the maximum radial limit load determined in accordance with the applicable ground load requirements of this part. (See §§ 3.241 through 3.256.)

11. By amending § 3.362 (a) to read as follows:

§ 3.362 *Tires.* * * *
(a) Load on each main wheel tire equal to the corresponding static ground reaction under the design maximum weight of the airplane and the critical center of gravity position.

12. By amending § 3.362 by deleting the note at the end of the section.

13. By amending § 3.364 to read as follows:

§ 3.364 *Skis.* Skis shall be of an approved type. The maximum limit load rating of each ski shall not be less than the maximum limit load determined in

accordance with the applicable ground load requirements of this part. (See §§ 3.241 through 3.257.)

14. By rescinding §§ 3.365 and 3.366.

15. By amending § 3.371 to read as follows:

§ 3.371 *Seaplane floats.* Seaplane floats shall be of an approved type and shall comply with the provisions of § 3.265. In addition, the following shall apply.

(a) *Buoyancy.* Twin seaplane floats shall have a buoyancy of 80 percent in excess of that required to support the maximum weight of the airplane in fresh water.

(b) *Compartmentation.* Seaplane floats for use on airplanes of 2,500 pounds or more maximum weight shall contain not less than 5 watertight compartments, and those for use on airplanes of less than 2,500 pounds maximum weight shall contain not less than 4 such compartments. The compartments shall have approximately equal volumes.

16. By amending § 3.390 (a) by adding a new sentence at the beginning of the paragraph to read as follows: "Seats and berths shall be of an approved type."

17. By amending the last sentence of § 3.624 (a) to read as follows:

§ 3.624 *Fire wall construction.* (a) * * * On single-engine airplanes using unsupercharged engines, sealing parts of fire-resistant material shall be acceptable, provided that the engine installation contains no flammable fluid-carrying components other than essential fuel lines and oil pressure gauge lines or components which are an integral part of the engine, and further provided that the opening which might result in case of fire would not involve a serious hazard from the standpoint of flame propagation to the sheltered side of the fire wall.

18. By amending § 3.627 by changing the reference in the first sentence from "§ 3.759" to "§ 3.762."

19. By amending § 3.668 to read as follows:

§ 3.668 *Gyroscopic indicators; multi-engine airplanes.* All gyroscopic instruments installed in multiengine airplanes intended for operation under instrument flight rules shall derive their energy from a power source of sufficient capacity to maintain required accuracy at all airplane speeds. They shall be installed to preclude malfunctioning due to rain, oil, and other detrimental elements. Means shall be provided for indicating the adequacy of the power being supplied to each of the instruments. In addition, the following provisions shall be applicable:

(a) At least two independent sources of power shall be provided and, where appropriate, a positive means for selecting the power source and a means for indicating the adequacy of the power being supplied to the instruments shall also be provided.

(b) The installation and power supply systems shall be such that failure of one instrument or of the energy supply from one source will not interfere with the proper supply of energy from the other source.

20. By amending § 3.669 to read as follows:

§ 3.669 *Flight computer instrument.* If a flight computer instrument is installed, its installation shall not affect the performance and accuracy of the required instruments. A means for disconnecting the flight computer instrument from the required instruments or their installations shall be provided.

21. By amending § 3.764 (d) by inserting the word "usable" before the word "capacity."

c. It is proposed to amend Part 4b, effective January 1, 1952, as follows:

1. By amending the introductory statement of § 4b.1 to read as follows:

§ 4b.1 *Definitions.* As used in this part terms are defined as follows:

2. By amending § 4b.1 (b) (4) to read as follows:

(b) *General design.* * * *
(4) *Aerodynamic coefficients.* Aerodynamic coefficients are nondimensional coefficients for forces and moments. They correspond with those adopted by the U. S. National Advisory Committee for Aeronautics.

3. By rescinding §§ 4b.10 through 4b.24 and substituting in lieu thereof new §§ 4b.10 through 4b.19 to read as follows:

CERTIFICATION

§ 4b.10 *Eligibility for type certificates.* An airplane shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the airplane which renders it unsafe for the transport category.

§ 4b.11 *Designation of applicable regulations.* (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of Part 1 of the Civil Air Regulations by the Administrator, any change to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the Civil Air Regulations with which compliance was demonstrated.

§ 4b.12 *Amendment of part.* Unless otherwise established by the Board, an amendment of this part shall be effective with respect to airplanes for which applications for type certificates are filed after the effective date of the amendment.

§ 4b.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the airplane by complying with the requirements of §§ 4b.14 through 4b.16 in addition to those contained in Part 1 of the Civil Air Regulations.

(b) The type certificate shall be deemed to include the type design (see § 4b.14 (b)), the operating limitations for the airplane (see § 4b.700), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 4b.11 (a).)

§ 4b.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the airplane complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the airplane and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the airplane, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent airplanes of the same type.

§ 4b.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the airplane complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design.

(b) All parts of the airplane are constructed in accordance with the drawings in the type design.

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

§ 4b.16 *Flight tests.* After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of the conformity of the airplane with the type design, and upon receipt from the applicant of a report of flight tests performed by him, the following shall be conducted:

(a) Such official flight tests as the Administrator finds necessary to determine compliance with the requirements of this part.

(b) After the conclusion of flight tests specified in paragraph (a) of this section, such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the airplane, the number and nature of new design features, and the record of previous tests and experience for the particular airplane type, its com-

ponents, and equipment. If practicable, these flight tests shall be conducted on the same airplane used in the flight tests specified in paragraph (a) of this section.

§ 4b.17 *Airworthiness, experimental, and production certificates.* (For requirements with regard to these certificates see Part 1 of the Civil Air Regulations.)

§ 4b.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 4b.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of the Civil Air Regulations.)

4. By amending the first sentence of § 4b.102 to read as follows: "Center of gravity limits shall be established as the most forward position permissible and the most aft position permissible for each practicably separable operating condition in accordance with § 4b.101 (b)."

5. By amending § 4b.110 by designating the present text of this section as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 4b.110 *General.* * * *

(b) Each set of performance data required for a particular flight condition shall be determined with the powerplant accessories absorbing the normal amount of power appropriate to that flight condition. (See also § 4b.117.)

6. By amending the introductory statement of § 4b.120 (c) to read as follows:

§ 4b.120 *One-engine-inoperative climb.* * * *

(c) *Flaps in en route position.* The steady rate of climb in feet per minute at any altitude at which the airplane is expected to operate, at any weight within the range of weights to be specified in the airworthiness certificate, shall be determined and shall, at a standard altitude of 5,000 feet and at the maximum take-off weight, be at least

$$\left(0.06 - \frac{0.08}{N}\right) V_{so},$$

where N is the number of engines, with:

7. By amending § 4b.131 (b) (3) by deleting the words "maximum continuous" therefrom and inserting in lieu thereof the words "take-off".

8. By amending § 4b.131 (c) to read as follows:

§ 4b.131 *Longitudinal control.* * * *

(c) It shall be possible without the use of exceptional piloting skill to prevent loss of altitude when wing flap retraction from any position is initiated during steady straight level flight at a speed equal to $1.1 V_{s1}$ with simultaneous application of not more than maximum continuous power, with the landing gear extended, and with the airplane weight equal to the maximum sea level landing weight. (See also § 4b.323.)

9. By adding subparagraphs (5) through (9) to § 4b.133 (a) to read as follows:

§ 4b.133 *Minimum control speed, V_{MC} .* * * *

(a) * * *

(5) Cowl flaps in the position normally used during take-off.

(6) Maximum sea level take-off weight.

(7) The airplane trimmed for take-off.

(8) The propeller of the inoperative engine windmilling, except that a different position of the propeller shall be acceptable if such a position is more consistent with the intent of this requirement.

(9) The airplane airborne and the ground effect negligible.

10. By amending § 4b.143 to read as follows:

§ 4b.143 *Longitudinal, directional, and lateral trim.* (a) The airplane shall maintain longitudinal, directional, and lateral trim at a speed equal to $1.4 V_{s1}$ during climbing flight with the critical engine inoperative, with

(1) The remaining engine(s) operating at maximum continuous power,

(2) Landing gear retracted.

(3) Wing flaps retracted.

(b) In demonstrating compliance with paragraph (a) of this section for lateral trim, the airplane shall not be banked more than 5 degrees.

11. By amending the first sentence of § 4b.157 (b) to read as follows: "The static lateral stability, as shown by the tendency to raise the low wing in a sideslip with the aileron controls free and with all landing gear and flap positions and symmetrical power conditions, shall:

12. By amending §§ 4b.160, 4b.161, and 4b.162 to read as follows:

§ 4b.160 *Stalling; symmetrical power.*

(a) Stalls shall be demonstrated with the airplane in straight flight and in banked turns at 30 degrees, both with power off and with power on. In the power-on conditions the power shall be that necessary to maintain level flight at a speed of $1.6 V_{s1}$, where V_{s1} corresponds with the stalling speed with flaps in the approach position, the landing gear retracted, and maximum landing weight.

(b) The stall demonstration shall be in the following configurations:

(1) Wing flaps and landing gear in any likely combination of positions.

(2) Representative weights within the range for which certification is sought.

(3) The center of gravity in the most adverse position for recovery.

(c) The stall demonstration shall be conducted as follows:

(1) With trim controls adjusted for straight flight at a speed of $1.4 V_{s1}$, the speed shall be reduced by means of the elevator control until it is steady at slightly above stalling speed; after which the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed one mile per hour per second until the airplane is stalled or, if the airplane is not stalled, until the control reaches the stop.

(2) The airplane shall be considered stalled when, at an angle of attack measurably greater than that of maximum lift, the inherent flight characteristics give a clear indication to the pilot that the airplane is stalled.

NOTE: A nose-down pitch or a roll which cannot be readily arrested are typical indications that the airplane is stalled. Other indications, such as marked loss of control effectiveness, abrupt change in control force or motion, characteristic buffeting, or a distinctive vibration of the pilot's controls, may be acceptable if found in a particular case to be sufficiently clear.

(3) Recovery from the stall shall be effected by normal recovery techniques, starting as soon as the airplane is stalled.

(d) During stall demonstration it shall be possible to produce and to correct roll and yaw by unreversed use of the aileron and rudder controls up to the moment the airplane is stalled; there shall occur no abnormal nose-up pitching; and the longitudinal control force shall be positive up to and including the stall.

(e) In straight flight stalls the roll occurring between the stall and the completion of the recovery shall not exceed approximately 20 degrees.

(f) In turning flight stalls the action of the airplane following the stall shall not be so violent or extreme as to make it difficult with normal piloting skill to effect a prompt recovery and to regain control of the airplane.

(g) In both the straight flight and the turning flight stall demonstrations it shall be possible promptly to prevent the airplane from stalling and to recover from the stall condition by normal use of the controls.

§ 4b.161 Stalling; asymmetrical power. (a) The airplane shall be safely recoverable without applying power to the inoperative engine when stalled with:

- (1) The critical engine inoperative,
- (2) Flaps and landing gear retracted,
- (3) The remaining engines operating at 75 percent of maximum continuous power, except that the power need not be greater than that at which the wings can be held level laterally with the use of maximum control travel.

(b) It shall be acceptable to throttle back the operating engines during the recovery from the stall.

§ 4b.162 Stall warning. Clear and distinctive stall warning shall be apparent to the pilot beginning at a speed not less than 7 percent above the stalling speed and continuing until the airplane is stalled, with flaps and landing gear in all normally used positions, both in straight and in turning flight. It shall be acceptable for the warning to be

furnished either through the inherent aerodynamic qualities of the airplane or by a device which will give clearly distinguishable indications under all expected conditions of flight.

13. By amending §§ 4b.180, 4b.181, and 4b.182 to read as follows:

§ 4b.180 Water conditions. The most adverse water conditions in which the seaplane has been demonstrated to be safe for take-off, taxiing, and alighting shall be established.

§ 4b.181 Wind conditions. The following wind velocities shall be established:

(a) A lateral component of wind velocity not less than $0.2 V_{s0}$ at and below which it has been demonstrated that the seaplane is safe for taking off and alighting under all water conditions in which the seaplane is likely to be operated;

(b) A wind velocity at and below which it has been demonstrated that the seaplane is safe in taxiing in all directions, under all water conditions in which the seaplane is likely to be operated.

§ 4b.182 Control and stability on the water. (a) In taking off, taxiing, and alighting, the seaplane shall not exhibit the following:

(1) Any dangerous uncontrollable porpoising, bouncing, or swinging tendency;

(2) Any submerging of auxiliary floats or sponsons, any immersion of wing tips, propeller blades, or other parts of the seaplane which are not designed to withstand the resulting water loads;

(3) Any spray forming which would impair the pilot's view, cause damage to the seaplane, or result in ingress of an undue quantity of water.

(b) Compliance with paragraph (a) of this section shall be shown under the following conditions:

(1) All water conditions from smooth to the most adverse condition established in accordance with § 4b.180;

(2) All wind and cross-wind velocities, water currents, and associated waves and swells which the seaplane is likely to encounter in operation on water;

(3) All speeds at which the seaplane is likely to be operated on the water;

(4) Sudden failure of the critical engine, occurring at any time while the airplane is operated on water;

(5) All seaplane weights and center of gravity positions within the range of loading conditions for which certification is sought, relevant to each condition of operation.

(c) In the water conditions of paragraph (b) of this section and the corresponding wind conditions the seaplane shall be able to drift for 5 minutes with engines inoperative, aided if necessary by a sea anchor.

14. By amending § 4b.201 by adding paragraph (d) to read as follows:

§ 4b.201 Strength and deformation. * * *

(d) Where structural flexibility is such that any rate of load application likely to occur in the operating conditions might produce transient stresses appre-

ciably higher than those corresponding with static loads, the effects of such rate of application shall be considered.

15. By adding a sentence following the first sentence of § 4b.211 (a) to read as follows: "Pitching velocities appropriate to the corresponding pull-up and steady turn maneuvers shall be taken into account."

16. By amending § 4b.212 by redesignating the existing paragraphs (c) and (d) as (d) and (e), respectively, and by adding a new paragraph (c) to read as follows:

§ 4b.212 Effect of high lift devices. * * *

(c) In designing flaps and supporting structure on tractor type airplanes, slipstream effects shall be taken into account as specified in § 4b.221. For other than tractor type airplanes a head-on gust of 25 feet per second with no alleviations acting along the flight path shall be considered.

17. By amending the first sentence of § 4b.214 (a) by deleting the words "at least" and inserting in lieu thereof the "zero and of".

18. By amending § 4b.215 by deleting the word "yawing" from the first sentence thereof.

19. By amending § 4b.215 (a) by deleting therefrom the words "the vertical tail loads resulting from".

20. By amending § 4b.220 by adding a clause in the first sentence thereof following the reference "4b.215" to read "and the ground gust conditions prescribed in § 4b.226".

21. By amending § 4b.220 (b) and (c) to read as follows:

§ 4b.220 Control surface loads; general. * * *

(b) *Effect of trim tabs.* The effect of trim tabs on the main control surface design conditions need be taken into account only in cases where the surface loads are limited by pilot effort in accordance with the provisions of paragraph (a) of this section. In such cases the trim tabs shall be considered to be deflected in the direction which would assist the pilot, and the deflection shall be as follows:

(1) For elevator trim tabs the deflections shall be those required to trim the airplane at any point within the positive portion of the $V-n$ diagram (fig. 4b-2), except as limited by the stops.

(2) For aileron and rudder trim tabs the deflections shall be those required to trim the airplane in the critical unsymmetrical power and loading conditions, with appropriate allowance for rigging tolerances.

(c) *Unsymmetrical loads.* Horizontal tail surfaces and the supporting structure shall be designed for unsymmetrical loads arising from yawing and slipstream effects in combination with the prescribed flight conditions.

NOTE: In the absence of more rational data, the following assumptions may be made for airplanes which are conventional in regard to location of propellers, wings, tail surfaces, and fuselage shape: 100 percent of the maximum loading from the symmetrical flight conditions acting on the surface on one side of the plane of symmetry

and 80 percent of this loading on the other side. Where the design is not conventional (e. g. where the horizontal tail surfaces have appreciable dihedral or are supported by the vertical tail surfaces), the surfaces and supporting structures may be designed for combined vertical and horizontal surface loads resulting from the prescribed maneuvers.

22. By adding a new paragraph (e) to § 4b.220 to read as follows:

§ 4b.220 *Control surface loads.* * * *

(e) *Loads parallel to hinge line.* Control surfaces and supporting hinge brackets shall be designed for inertia loads acting parallel to the hinge line.

NOTE: In lieu of the more rational analysis the inertia loads may be assumed to be equal to KW , where:

$K=24$ for vertical surfaces,

$K=12$ for horizontal surfaces,

W =weight of the movable surfaces.

23. By amending § 4b.222 to read as follows:

§ 4b.222 *Tab.* The following shall apply to tabs and their installations.

(a) *Trimming tabs.* Trimming tabs shall be designed to withstand loads arising from all likely combinations of tab setting, primary control position, and airplane speed, obtainable without exceeding the flight load conditions prescribed for the airplane as a whole, when the effect of the tab is being opposed by pilot effort loads up to those specified in § 4b.220 (a).

(b) *Balancing tabs.* Balancing tabs shall be designed for deflections consistent with the primary control surface loading conditions.

(c) *Servo tabs.* Servo tabs shall be designed for all deflections consistent with the primary control surface loading conditions achievable within the pilot maneuvering effort (see § 4b.220 (a)) with due regard to possible opposition from the trim tabs.

24. By rescinding §§ 4b.250 through 4b.258 and Figure 4b-15 and inserting in lieu thereof new §§ 4b.250 through 4b.259 and Figures 4b-15a, 4b-15b, and 4b-15c to read as follows:

WATER LOADS

§ 4b.250 *General.* The structure of boat and float type seaplanes shall be designed for water loads developed during take-off and landing with the seaplane in any attitude likely to occur in normal operation at appropriate forward and sinking velocities under the most severe sea conditions likely to be encountered. Unless a more rational analysis of the water loads is performed, the requirements of §§ 4b.251 through 4b.259 shall apply.

§ 4b.251 *Design weights and center of gravity positions—(a) Design weights.* The water load requirements shall be complied with at all operating weights up to the design landing weight except that for the take-off condition prescribed in § 4b.255 the design take-off weight shall be used.

(b) *Center of gravity positions.* The critical center of gravity positions within

the limits for which certification is sought shall be considered to obtain maximum design loads for each part of the seaplane structure.

§ 4b.252 *Application of loads.* (a) The seaplane as a whole shall be assumed to be subjected to the loads corresponding with the load factors specified in § 4b.253, except as otherwise prescribed. In applying the loads resulting from the load factors prescribed in § 4b.253, it shall be permissible to distribute the loads over the hull bottom in order to avoid excessive local shear loads and bending moments at the location of water load application, using pressures not less than those prescribed in § 4b.256 (b).

(b) For twin float seaplanes, each float shall be treated as an equivalent hull on a fictitious seaplane having a weight equal to one-half the weight of the twin float seaplane.

(c) Except in the take-off condition of § 4b.255, the aerodynamic lift on the seaplane during the impact shall be as-

sumed to be $\frac{2}{3}$ of the weight of the seaplane.

§ 4b.253 *Hull and main float load factors.* Water reaction load factors shall be computed as follows:

For the step landing case:

$$nw = \frac{C_1 V_s^2}{\tan^{2/3} \beta W^{1/3}}$$

For the bow and stern landing cases:

$$nw = \frac{C_1 V_s^2}{\tan^{2/3} \beta W^{1/3}} \times \frac{K_1}{(1 + r^2)^{2/3}}$$

where,

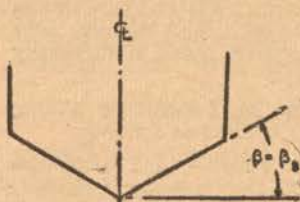
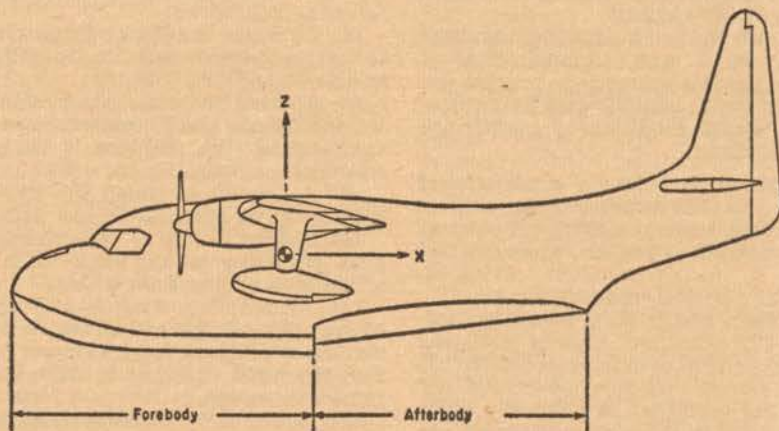
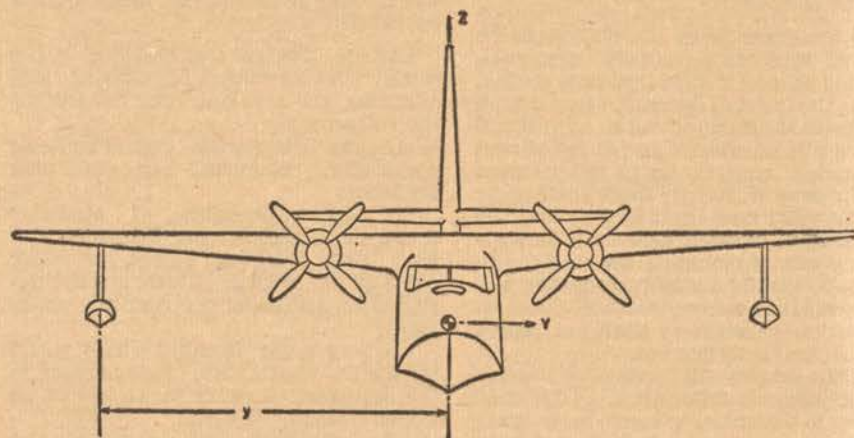
n_w =water reaction load factor (water reaction divided by the seaplane weight);

V_s =seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect;

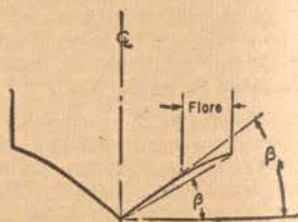
β =angle of dead rise at the longitudinal station at which the load factor is being determined (see Figure 4b-15a);

W =seaplane design landing weight in pounds;

C_1 =empirical seaplane operations factor equal to 0.009, except that this factor shall not be less than that necessary to obtain



Unflared Bottom



Flared Bottom

FIGURE 4b-15a—Pictorial definition of angles, dimensions, and directions on a seaplane.

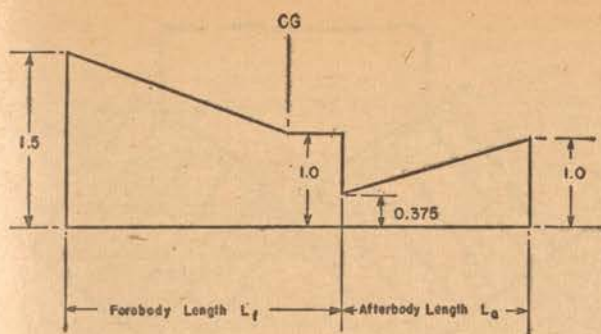
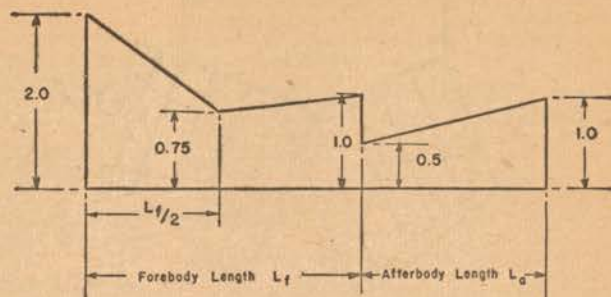
 K_1 (Vertical Loads) K_2 (Bottom Pressures)

FIGURE 4b-15b—Hull station weighing factor.

the minimum value of step load factor of 2.33;

K_1 = empirical hull station weighing factor. (See fig. 4b-15b.) For a twin float seaplane, in recognition of the effect of flexibility of the attachment of the floats to the seaplane, it shall be acceptable to reduce the factor K_1 at the bow and stern to 0.8, the value shown in figure 4b-15b. This reduction shall not apply to the float design but only to the design of the carry-through and seaplane structure.

r_2 = ratio of distance, measured parallel to hull reference axis, from the center of gravity of the seaplane to the hull longitudinal station at which the load factor is being computed, to the radius of gyration in pitch of the seaplane; the hull reference axis being a straight line, in the plane of symmetry, tangential to the keel at the main step.

§ 4b.254 *Hull and main float landing conditions—(a) Symmetrical step landing.* The limit water reaction load factor shall be in accordance with § 4b.253. The resultant water load shall be applied at the keel through the center of gravity perpendicularly to the keel line.

(b) *Symmetrical bow landing.* The limit water reaction load factor shall be in accordance with § 4b.253. The resultant water load shall be applied at the keel $\frac{1}{2}$ of the longitudinal distance from the bow to the step, and shall be directed perpendicularly to the keel line.

(c) *Symmetrical stern landing.* The limit water reaction load factor shall be in accordance with § 4b.253. The resultant water load shall be applied at the keel at a point 85 percent of the longitudinal distance from the step to the stern post, and shall be directed perpendicularly to the keel line.

(d) *Unsymmetrical landing, single float seaplanes.* Unsymmetrical step, bow, and stern landing conditions shall be investigated. The loading for each condition shall consist of an upward component and a side component equal to 0.75 and 0.25 $\tan \beta$ times the resultant load in the corresponding symmetrical landing conditions, respectively. (See paragraphs (a), (b), and (c) of this section.) The point of application and direction of the upward component of the load shall be the same as that in the symmetrical condition, and the point of application of the site component shall be at the same longitudinal station as the upward component but directed inward perpendicularly to the plane of symmetry at a point midway between the keel and chine lines.

(e) *Unsymmetrical landing—twin float seaplanes.* The unsymmetrical loading shall consist of an upward load at the step of each float of 0.75 and a side load of 0.25 $\tan \beta$ at one float times the step landing load obtained in accordance with § 4b.253. The side load shall be directed inboard perpendicularly to the plane of symmetry midway between the keel and chine lines of the float at the same longitudinal station as the upward load.

§ 4b.255 *Hull and main float take-off condition.* The take-off condition shall apply to the wing and its attachment to the hull or main float. The aerodynamic wing lift shall be assumed to be zero. A downward inertia load shall be applied and shall correspond with the following load factor:

$$n = \frac{C_{TO} V_{s1}^2}{\tan \frac{2}{3} \beta W^{1/3}};$$

where,

n = inertia load factor;

C_{TO} = empirical seaplane operations factor equal to 0.003;

V_{s1} = seaplane stalling speed (mph) at the design take-off weight with the flaps extended in the appropriate take-off position;

β = angle of dead rise at the main step (degrees);

W = seaplane design take-off weight in pounds.

§ 4b.256 *Hull and main float bottom pressures.* The following cases are intended to design only the hull and main float structure, including frames and bulkheads, stringers, and bottom plating. In the absence of more rational data, the following pressures and distributions shall be used:

(a) *Local pressures.* The following pressure distributions are applicable for the design of the bottom plating and stringers and their attachments to the supporting structure. The area over which these pressures are applied shall be such as to simulate pressures occurring during high localized impacts on the hull or float, and need not extend over an area which would induce critical stresses in the frames or in the overall structure.

(1) *Unflared bottom.* The pressure at the keel (psi) shall be computed as follows:

$$P_k = C_2 \frac{K_2 V_{s1}^2}{\tan \beta_k};$$

where,

$C_2 = 0.0016$

K_2 = hull station weighing factor (see fig. 4b-15b);

V_{s1} = seaplane stalling speed (mph) at the design take-off weight with flaps extended in the appropriate take-off position;

β_k = angle of dead rise at keel (see fig. 4b-15a).

The pressure at the chine shall be 0.75 P_k , and the pressures between the keel and chine shall vary linearly. (See fig. 4b-15c.)

(2) *Flared bottom.* The pressure distribution for a flared bottom shall be that for an unflared bottom prescribed in subparagraph (1) of this paragraph, except that the pressure at the chine shall be computed as follows:

$$P_{ch} = C_3 \frac{K_2 V_{s1}^2}{\tan \beta};$$

where,

$C_3 = 0.0012$

K_2 = hull station weighing factor (see fig. 4b-15b);

V_{s1} = seaplane stalling speed (mph) at the design take-off weight with flaps extended in the appropriate take-off position;

β = angle of dead rise at appropriate station.

The pressure at the beginning of the flare shall be the same as for an unflared bottom, and the pressure between the chine and the beginning of the flare shall vary linearly. (See fig. 4b-15c.)

(b) *Distributed pressures.* The following distributed pressures are applicable for the design of the frames, keel, and chine structure. These pressures shall be uniform and shall be applied simultaneously over the entire hull or main float bottom. The loads so obtained shall be carried into the sidewall structure of the hull proper, but need not be transmitted in a fore and aft direction as shear and bending loads.

(1) *Symmetrical.* The symmetrical pressures shall be computed as follows:

$$P = C_4 \frac{K_2 V_{s0}^2}{\tan \beta};$$

where,

$C_4 = 0.078 C_1$ (for C_1 see § 4b.253);

K_2 = hull station weighing factor (see fig. 4b-15b);

V_{s0} = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect;

β = angle of dead rise at appropriate station.

(2) *Unsymmetrical.* The unsymmetrical pressure distribution shall consist of the pressures prescribed in subparagraph (1) of this paragraph on one side of the hull or main float center line and

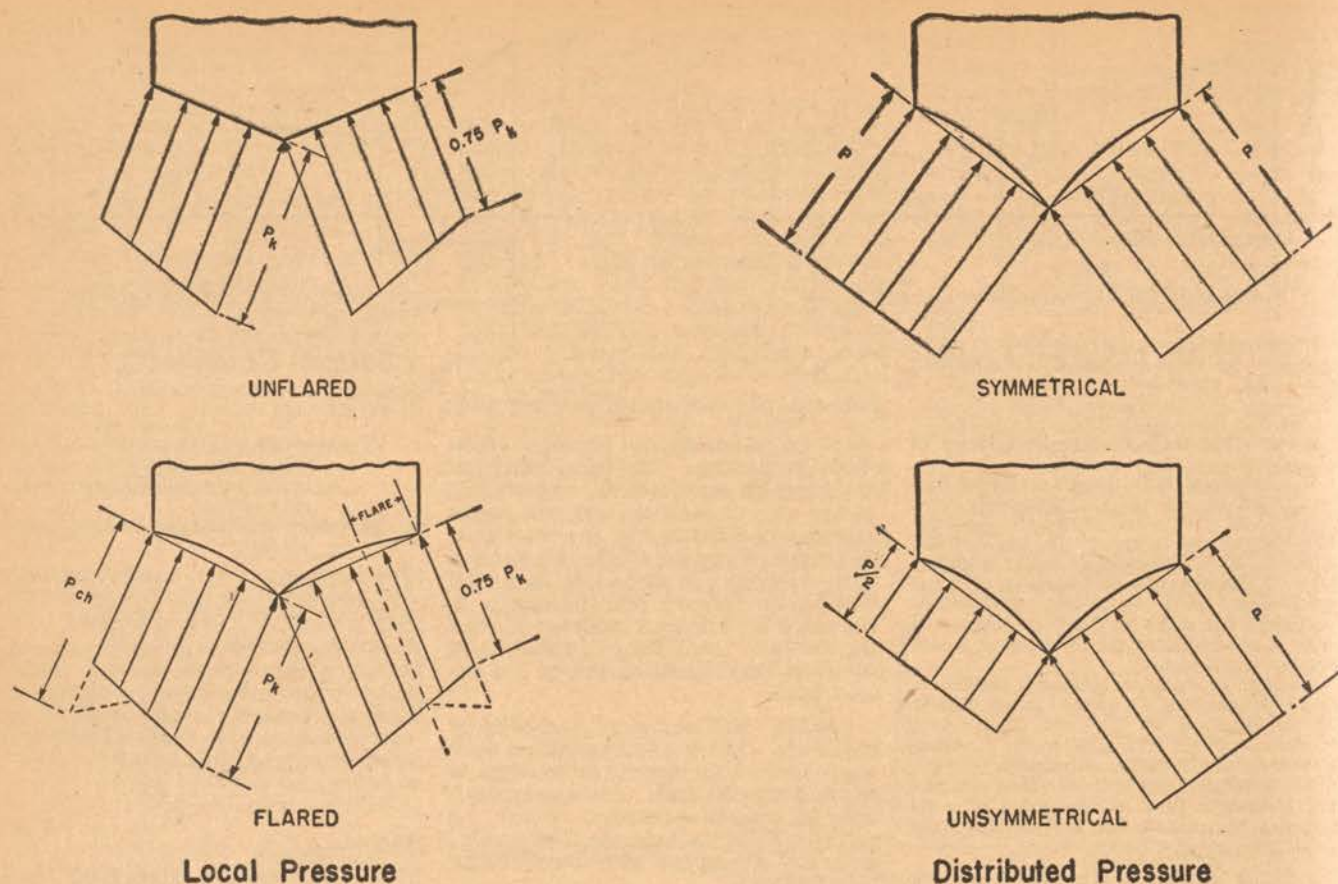


FIGURE 4b-15c—Transverse pressure distributions.

one-half of that pressure on the other side of the hull or main float center line. (See fig. 4b-15c.)

§ 4b.257 *Auxiliary float loads.* Auxiliary floats, their attachments, and supporting structure shall be designed for the following conditions. In the cases specified in paragraphs (a), (b), (c), and (d) of this section it shall be acceptable to distribute the prescribed water loads over the float bottom to avoid excessive local loads, using bottom pressures not less than those prescribed in paragraph (f) of this section.

(a) *Step loading.* The resultant water load shall be applied in the plane of symmetry of the float at a point three-fourths of the distance from the bow to the step and shall be perpendicular to the keel. The resultant limit load shall be computed as follows:

$$L = \frac{C_5 V_{s_0}^2 W^{2/3}}{\tan^2 \beta_s (1 + r_y^2)^{2/3}}$$

where,

$$C_5 = 0.004$$

V_{s_0} = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect;

W = seaplane design landing weight in pounds;

β_s = angle of dead rise at a station $\frac{3}{4}$ of the distance from the bow to the step, but need not be less than 15 degrees;

r_y = ratio of the lateral distance between the center of gravity and the plane of symmetry of the float to the radius of gyration in roll.

(b) *Bow loading.* The resultant limit load shall be applied in the plane of symmetry of the float at a point one-fourth of the distance from the bow to the step and shall be perpendicular to the tangent to the keel line at that point. The magnitude of the resultant load shall be that specified in paragraph (a) of this section.

(c) *Unsymmetrical step loading.* The resultant water load shall consist of a component equal to 0.75 times the load specified in paragraph (a) of this section and a side component equal to $0.25 \tan \beta$ times the load specified in paragraph (a) of this section. The side load shall be applied perpendicularly to the plane of symmetry of the float at a point midway between the keel and the chine.

(d) *Unsymmetrical bow loading.* The resultant water load shall consist of a component equal to 0.75 times the load specified in paragraph (b) of this section and a side component equal to $0.25 \tan \beta$ times the load specified in paragraph (b) of this section. The side load shall be applied perpendicularly to the plane of symmetry at a point midway between the keel and the chine.

(e) *Immersed float condition.* The resultant load shall be applied at the centroid of the cross section of the float at a point one-third of the distance from the bow to the step. The limit load components shall be as follows:

$$\text{vertical} = \rho g V$$

$$\text{aft} = C_x \frac{\rho V^{2/3}}{2} (KV_{s_0})^2$$

$$\text{side} = C_y \frac{\rho V^{2/3}}{2} (KV_{s_0})^2$$

where,

ρ = mass density of water;

V = volume of float;

C_x = coefficient of drag force, equal to 0.10;

C_y = coefficient of side force, equal to 0.08;

$K = 0.8$, except that lower values shall be acceptable if it is shown that the floats will not be submerged during normal operating conditions;

V_{s_0} = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect.

(f) *Float bottom pressures.* The float bottom pressures shall be those of § 4b.256 (a) and (b). The angle of dead rise to be used in determining the float bottom pressures shall be as defined in paragraph (a) of this section.

§ 4b.258 *Auxiliary float attachments.* The strength of the wing structure shall be sufficient to insure that failure of auxiliary float attachment members occurs before the wing structure is damaged.

§ 4b.259 *Seawing loads.* Seawing design loads shall be based on applicable test data.

25. By amending § 4b.260 (a) (2) to read as follows:

§ 4b.260 General. * * *

(a) * * *

(2) Forward----- 9.0g

26. By amending § 4b.306 (d) to read as follows:

§ 4b.306 Material strength properties and design values. * * *

(d) The strength, detail design, and fabrication of the structure shall be such as to minimize the probability of disastrous fatigue failure.

NOTE: Points of stress concentration are one of the main sources of fatigue failure.

27. By rescinding §§ 4b.308 and 4b.309 and adding a new § 4b.308 to read as follows:

§ 4b.308 Flutter, deformation, and vibration. Compliance with the following provisions shall be shown by such calculations, resonance tests, or other tests as are found necessary by the Administrator.

(a) *Flutter prevention.* The airplane shall be designed to be free from flutter of wing and tail units, including all control and trim surfaces, and from divergence (i. e. unstable structural distortion due to aerodynamic loading), at all speeds up to 1.2 V_D . A smaller margin above V_D shall be acceptable if the characteristics of the airplane (including the effects of compressibility) render a speed of 1.2 V_D unlikely to be achieved, and if it is shown that a proper margin of damping exists at speed V_D . In the absence of more accurate data, the terminal velocity in a dive of 30 degrees to the horizontal shall be acceptable as the maximum speed likely to be achieved. In showing compliance with this paragraph the following shall apply:

(1) Allowance shall be made for variations in the flutter characteristics of the airplane which may occur in service due to wear, icing, and other factors, or which may exist between one airplane and another, or which may result from reduction in effective structural stiffness due to loads imposed upon the airplane in operation.

(2) If concentrated balance weights are used on control surfaces, their effectiveness and strength, including supporting structure, shall be substantiated.

(b) *Loss of control due to structural deformation.* The airplane shall be designed to be free from control reversal and from undue loss of longitudinal, lateral, and directional stability and control as a result of structural deformation, including that of the control surface covering, at all speeds up to the speed prescribed in paragraph (a) of this section for flutter prevention.

(c) *Vibration and buffeting.* The airplane shall be designed to withstand all vibration and buffeting which might occur in any likely operating conditions.

28. By amending § 4b.324 by adding a new sentence to paragraph (b) to read as follows: "For airplanes with flaps which are not subjected to slipstream conditions, the structure shall be designed for the loads imposed when the wing flaps on one side are carrying the most severe load occurring in the prescribed symmetrical conditions and those on the other side are carrying not more than 80 percent of that load."

29. By amending § 4b.326 to read as follows:

§ 4b.326 Control system locks. Provision shall be made to prevent damage to the control surfaces (including tabs) and the control system which might result from gusts striking the airplane while it is on the ground or water (see also § 4b.226). If a device provided for this purpose, when engaged, prevents normal operation of the control surfaces by the pilot, it shall comply with the following provisions.

(a) The device shall either automatically disengage when the pilot operates the primary flight controls in a normal manner, or it shall limit the operation of the airplane in such a manner that the pilot receives unmistakable warning at the start of take-off.

(b) Means shall be provided to preclude the possibility of the device becoming inadvertently engaged in flight.

30. By amending § 4b.329 (a) (5) to read as follows:

§ 4b.329 Control system details; general. * * *

(a) Cable systems. * * *

(5) All pulleys and sprockets shall be provided with closely fitted guards to prevent the cables and chains being displaced or fouled.

31. By amending § 4b.334 by adding a new subparagraph (3) to paragraph (a) thereof to read as follows:

§ 4b.334 Retracting mechanism—(a) General. * * *

(3) Landing gear doors, their operating mechanism, and their supporting structure shall be designed for the conditions of air speed and load factor prescribed in subparagraphs (1) and (2) of this paragraph, and in addition they shall be designed for the yawing maneuvers prescribed for the airplane.

32. By amending § 4b.335 to read as follows:

§ 4b.335 Wheels. Main wheels and nose wheels shall be of an approved type. The following provisions shall apply.

(a) The maximum static load rating of each main wheel and nose wheel shall not be less than the corresponding static ground reaction under the design take-off weight of the airplane and the critical center of gravity position.

(b) The maximum limit load rating of each main wheel and nose wheel shall not be less than the maximum radial limit load determined in accordance with the applicable ground load requirements of this part (see §§ 4b.230 through 4b.236).

(c) The maximum kinetic energy capacity rating of each main wheel-brake assembly shall not be less than the kinetic energy absorption requirement determined as follows:

$$KE = \frac{.0334 W V_{s_0}^2}{N}$$

where,

KE = kinetic energy per wheel (ft. lb.);

W = design landing weight (lb.);

V_{s_0} = power-off stalling speed of the airplane (mph) at sea level at the design landing weight and in the landing configuration;

N = number of main wheels.

NOTE: The expression for kinetic energy assumes an equal distribution of braking between main wheels. In cases of unequal distribution the expression requires appropriate modification.

(d) The minimum stalling speed rating of each main wheel-brake assembly shall not be greater than V_{s_0} . (See paragraph (c) of this section.)

33. By amending § 4b.336 (a) (2) to read as follows:

§ 4b.336 Tires. * * *

(a) * * *

(2) Load on each main wheel tire equal to the corresponding static ground reaction at the critical center of gravity position.

34. By amending § 4b.337 (a) (1) to read as follows:

§ 4b.337 Brakes. * * *

(a) General. (1) The airplane shall be equipped with brakes of an approved type. The brake ratings shall be in accordance with § 4b.335 (c) and (d).

35. By amending the second sentence of § 4b.338 to read: "The maximum limit load rating of each ski shall not be less than the maximum limit load determined in accordance with the applicable ground load requirements of this part. (See §§ 4b.230 through 4b.236.)"

36. By amending § 4b.341 to read as follows:

§ 4b.341 Seaplane floats. Seaplane floats shall be of an approved type and shall comply with the provisions of § 4b.250. In addition, the following shall apply.

(a) *Buoyancy.* Twin seaplane floats shall have a buoyancy of 80 percent in excess of that required to support the maximum weight of the airplane in fresh water.

(b) *Compartmentation.* Seaplane floats shall contain not less than 5 watertight compartments. The compartments shall have approximately equal volumes.

37. By amending the title and paragraph (a) of § 4b.342 to read as follows:

§ 4b.342 Boat hulls. (a) The hulls of boat seaplanes and amphibians shall be divided into watertight compartments so that, with any two adjacent compartments flooded, the buoyancy of the hull and auxiliary floats (and wheel tires, if used) will provide a sufficient margin of positive stability to minimize capsizing in rough fresh water.

38. By amending the title of § 4b.352 to read: *Windshield and windows.*

39. By adding new paragraphs (c) and (d) to § 4b.352 to read as follows:

§ 4b.352 Windshield and windows. * * *

(c) The design of windshields and windows in pressurized airplanes shall be based on factors peculiar to high altitude operation. (See also § 4b.373.)

NOTE: Factors peculiar to high altitude operation as they may affect the design of windshields and windows include the effects of continuous and cyclic pressurization loadings, the inherent characteristics of the material used, the effects of temperatures and temperature differentials, etc.

(d) The design and locations of windshields and windows in pressurized airplanes shall be such that failure of any single pane in flight will not result in serious injury to the occupants.

40. By adding a new paragraph (g) to § 4b.353 to read as follows:

§ 4b.353 Controls. * * *

(g) Where the work load on the flight crew is such as to require a flight engineer (see § 4b.720), a flight engineer station shall be provided. The station shall be so located and arranged that the flight crew members can perform their functions efficiently and without interfering with each other.

41. By amending § 4b.358 (a) by adding a second sentence to read as follows: "Seats and berths shall be of an approved type (see also § 4b.643 concerning safety belts)."

42. By amending § 4b.358 (c) to read as follows:

§ 4b.358 Seats, berths, and safety belts. * * *

(c) *Strength.* All seats and berths and their supporting structure shall be designed for occupant weight of 170 pounds with due account taken of the maximum load factors, inertia forces, and reactions between occupant, seat, and safety belt or harness corresponding with all relevant flight and ground load conditions, including the emergency landing conditions prescribed in § 4b.260. In addition, the following shall apply.

(1) Pilot seats shall be designed for the reactions resulting from the application of pilot forces to the flight controls as prescribed in § 4b.224.

(2) In determining the strength of the seat or berth attachments to the structure, and the safety belt or shoulder harness attachments to the seat, berth, or structure, the inertia forces specified in § 4b.260 (a) shall be multiplied by a factor of 1.33.

43. By amending § 4b.359 (c) to read as follows:

§ 4b.359 Cargo and baggage compartments. * * *

(c) Provisions shall be made to protect the passengers and crew from injury by the contents of any compartment, taking into account the emergency landing conditions of § 4b.260.

44. By amending § 4b.371 by rescinding all of the section excepting paragraph (b) thereof, by redesignating paragraph (b) as paragraph (d), and by adding new paragraphs (a) through (c) to read as follows:

§ 4b.371 Ventilation. (a) All crew compartments shall be ventilated by providing a sufficient amount of fresh air to enable the crew members to perform their duties without undue discomfort or fatigue during normal and emergency conditions.

NOTE: A fresh air supply of approximately 10 cubic feet per minute is considered a minimum for each crew member.

(b) Ventilating air in crew and passenger compartments shall be free of harmful or hazardous concentrations of gases or vapors.

NOTE: Carbon monoxide concentrations in excess of one part in 20,000 parts of air are considered hazardous. Carbon dioxide in excess of 3 percent by volume (sea level equivalent) is considered hazardous in the case of crew members. Higher concentrations of carbon dioxide may not be necessarily hazardous in crew compartments if appropriate protective breathing equipment is available.

(c) Provision shall be made to insure the conditions prescribed in paragraph (b) of this section in the event of reasonably probable failures or malfunctioning of the ventilating, heating, pressurization, or other systems and equipment.

NOTE: Examples of acceptable provisions include secondary isolation, integral protective devices, and crew warning and shut-off for equipment the malfunctioning of which could introduce harmful or hazardous quantities of smoke or gases.

45. By amending § 4b.372 to read as follows:

§ 4b.372 Heating systems. Combustion heaters shall be of an approved type and shall comply with the fire protection requirements of § 4b.386. Engine exhaust heaters shall comply with the provisions of § 4b.467 (c) and (d).

46. By amending the reference at the end of § 4b.373 to read as follows: "(See also §§ 4b.216 (c) and 4b.352.)"

47. By amending § 4b.374 to read as follows:

§ 4b.374 Pressure supply. (See § 4b.477 (c).)

48. By amending the center heading "Fire Protection" and § 4b.380 to read as follows:

FIRE PROTECTION

§ 4b.380 General. Compliance shall be shown with the fire protection requirements of §§ 4b.381 through 4b.386. (See also §§ 4b.480 through 4b.489.) In addition, the following shall apply.

(a) *Hand fire extinguishers.* Hand fire extinguishers shall be of an approved type. The types and quantities of extinguishing agents shall be appropriate for the types of fires likely to occur in the compartments where the extinguishers are intended for use. Extinguishers intended for use in personnel compartments shall be such as to minimize the hazard of toxic gas concentrations.

(b) *Built-in fire extinguishers.* Where a built-in fire extinguishing system is required, its capacity in relation to the compartment volume and ventilation rate shall be sufficient to combat any fire likely to occur in the compartment. All built-in fire extinguishing systems shall be so installed that no hazardous quantity of extinguisher agent can enter any personnel compartment and that discharge of the extinguisher cannot result in structural damage.

(c) *Protective breathing equipment.* If the airplane contains Class A or B cargo compartments (see § 4b.383), protective breathing equipment shall be installed for the use of appropriate crew members.

49. By amending § 4b.381 by adding paragraphs (e) and (f) to read as follows:

§ 4b.381 Cabin interiors. * * *

(e) At least one hand fire extinguisher shall be provided for use by the flight crew.

(f) At least the following number of hand fire extinguishers conveniently located for use in passenger compartments shall be provided according to the passenger capacity of the airplane:

Passenger capacity:	Minimum number of fire extinguishers
6 or less.....	0
7 through 30.....	1
31 through 60.....	2
61 or more.....	3

50. By amending § 4b.383 (a) by changing the title thereof to read "Class A," and by deleting from the first sentence the words "in the 'A' category" and inserting in lieu thereof the words "as A".

51. By amending § 4b.383 (b) by changing the title thereof to read "Class B," and by deleting from the first sentence the words "in the 'B' category" and inserting in lieu thereof the words "as B".

52. By amending § 4b.383 (b) (4) by deleting the clause "except that additional service lining of flame-resistant material shall be acceptable."

53. By amending § 4b.383 (c) by changing the title thereof to read "Class C," and by deleting from the first sentence the words "in the 'C' category" and inserting in lieu thereof the words "as C".

54. By amending § 4b.383 (c) (4) by deleting the clause "except that additional service lining of flame-resistant material shall be acceptable."

55. By adding a new paragraph (d) to § 4b.383 to read as follows:

§ 4b.383 Cargo compartment classification. * * *

(d) *Class D.* Cargo and baggage compartments shall be classified as D if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Compliance shall be shown with the following.

(1) Each compartment shall be equipped with an approved type smoke detector or fire detector other than heat detector to give warning at the pilot or flight engineer station.

(2) Means shall be provided to exclude hazardous quantities of smoke, flames, or other noxious gases from entering into any compartment occupied by the crew or passengers.

(3) Ventilation and drafts shall be controlled within each compartment so that the airflow through the compartment can be reduced to 1,500 cu. ft. per hour.

(4) The compartment shall be completely lined with fire-resistant material.

(5) Consideration shall be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

56. By amending § 4b.384 (a) by deleting therefrom the words "category 'C'" and inserting in lieu thereof the words "class C".

57. By adding new §§ 4b.385 and 4b.386 to read as follows:

§ 4b.385 *Flammable fluid fire protection.* In areas of the airplane where flammable fluids or vapors might be liberated by leakage or failure in fluid systems, design precautions shall be made to safeguard against the ignition of such fluids or vapors due to the operation of other equipment, or to control any fire resulting from such ignition.

§ 4b.386 *Combustion heater fire protection—(a) Combustion heater fire zones.* The following shall be considered as combustion heater fire zones and shall be protected against fire in accordance with applicable provisions of §§ 4b.480 through 4b.490.

(1) Region surrounding the heater, if such region contains any flammable fluid system components other than the heater fuel system.

(2) Region surrounding the heater, if the heater fuel system incorporates fittings the leakage of which would permit fuel or vapors to enter this region.

(3) That portion of the ventilating air passage which surrounds the combustion chamber.

(b) *Ventilating air ducts.* (1) Ventilating air ducts which pass through fire zones shall be of fireproof construction.

(2) Unless appropriate isolation is provided, the ventilating air duct downstream of the heater shall be of fireproof construction for a sufficient distance to assure that any fire originating from within the heater can be contained within the duct.

(3) Portions of ventilating ducts passing through regions in the airplane where flammable fluid systems are located shall be so constructed or isolated from such systems that failure or malfunctioning of the flammable fluid system components cannot introduce flammable fluids or vapors into the ventilating airstream.

(c) *Combustion air ducts.* (1) Combustion air ducts shall be of fireproof construction.

(2) Combustion air ducts shall not communicate with the ventilating airstream unless it is demonstrated that flames from backfires or reverse burning cannot enter the ventilating airstream under any conditions of ground or flight operation including conditions of reverse flow or malfunctioning of the heater or its associated components.

(3) Combustion air ducts shall not restrict prompt relief of backfires which can cause heater failure due to pressures generated within the heater.

(d) *Heater controls, general.* Provision shall be made to prevent hazardous accumulations of water or ice on or within any heater control components, control system tubing, or safety controls.

(e) *Heater safety controls.* (1) In addition to the components provided for normal continuous control of air temperature, air flow, and fuel flow, means shall be provided for each heater to shut off automatically the heater's ignition and fuel supply at its source when the heat exchanger temperature or ventilating air temperature exceed safe limits, or when either the combustion air flow or the ventilating air flow become inadequate for safe operation.

The means provided for this purpose for any individual heater shall be independent of all components serving other heaters the heat output of which is essential to the safe operation of the airplane.

(2) Warning means shall be provided to indicate to the crew when a heater, the heat output of which is essential to the safe operation of the airplane, has been shut off by the operation of the automatic means prescribed in subparagraph (1) of this paragraph.

(f) *Air intakes.* Combustion and ventilating air intakes shall be so located that no flammable fluids or vapors can enter the heater system under any conditions of ground or flight operation either during normal operation or as a result of malfunctioning, failure, or improper operation of other airplane components.

(g) *Heater exhaust.* Heater exhaust systems shall comply with the provisions of §§ 4b.467 (a) and (b). In addition, the following shall apply:

(1) Exhaust shrouds shall be sealed so that flammable fluids and vapors cannot reach the exhaust systems through joints.

(2) Exhaust systems shall not restrict the prompt relief of backfires which can cause heater failure due to pressures generated within the heater.

(h) *Heater fuel systems.* Heater fuel systems shall comply with all applicable portions of the powerplant fuel system requirements. In addition, heater fuel system components within the ventilating airstream shall be protected by shrouds so that leakage from such components cannot enter the ventilating airstream.

(i) *Drains.* Means shall be provided for complete and safe drainage of fuel accumulations which might occur within the combustion chamber or the heat exchanger. Portions of such drains which operate at high temperatures shall be protected in the same manner as heater exhausts (see paragraph (g) of this section). Drains shall be protected against hazardous ice accumulations.

58. By amending the title of Subpart E by deleting the words "(Reciprocating Engines)" therefrom.

59. By amending the center heading "General" immediately preceding § 4b.400 to read "Installation".

60. By amending the title of § 4b.400 to read "General" and by considering the present text of paragraph (a) as the initial text of this section.

61. By adding a new § 4b.400 (a) to read as follows:

§ 4b.400 *General.* * * *

(a) *Scope.* Reciprocating engine installations shall comply with the provisions of this subpart. Turbine engine installations shall comply with such of the provisions of this subpart as are found applicable to the specific type of installation.

62. By amending § 4b.400 (b) by adding a title to read "Functioning."

63. By amending § 4b.400 (c) by adding a title to read "Accessibility."

64. By amending § 4b.400 (d) by adding a title to read "Electrical bonding."

65. By amending § 4b.401 (b) to read as follows:

§ 4b.401 *Engines.* * * *

(b) *Engine isolation.* The powerplants shall be arranged and isolated each from the other to permit operation in at least one configuration in a manner such that the failure or malfunctioning of any engine, or of any other part of the airplane the failure of which can affect an engine, will not prevent the continued safe operation of the remaining engine(s) or require immediate action by an appropriate crew member for continued safe operation.

66. By adding a new sentence at the end of § 4b.401 (c) following the word "construction" to read: "If hydraulic propeller feathering systems are used for this purpose, the feathering lines shall be fire-resistant under the operating conditions which exist when feathering is being accomplished."

67. By amending § 4b.406 (a) to read as follows:

§ 4b.406 *Propeller de-icing provisions.*

(a) Airplanes intended for operation under atmospheric conditions conducive to the formation of ice on propellers or on accessories where ice accumulation would jeopardize engine performance shall be provided with means for the prevention or removal of hazardous ice accumulations.

68. By amending § 4b.411 to read as follows:

§ 4b.411 *Fuel system independence.*

The fuel system shall comply with § 4b.401 (b). Unless other provisions are made in compliance with this requirement, the fuel system shall be arranged to permit supplying fuel to each engine through a system independent of any portion of a system supplying fuel to other engines.

69. By amending § 4b.426 (a) (3) to read as follows:

§ 4b.426 *Fuel tank vents and carburetor vapor vents.* (a) * * *

(3) The vent shall be of sufficient size to prevent the existence of excessive differences of pressure between the interior and exterior of the tank during normal flight operation, during maximum rate of descent, and during defueling.

70. By adding a new § 4b.428 to read as follows:

§ 4b.428 *Under-wing fueling provisions.* Under-wing fuel tank connections shall be provided with means to prevent the escape of hazardous quantities of fuel from the tank in the event of malfunctioning of the fuel entry valve while the cover plate is removed. In addition to the normal means provided in the airplane for limiting the tank content, a means shall be installed to prevent damage to the tank in case of failure of the normal means.

71. By amending § 4b.430 (a) and (b) to read as follows:

§ 4b.430 *Fuel pumps—(a) Main pumps.*

(1) If the engine fuel supply is maintained by means of pumps, one fuel pump for each engine shall be engine-driven.

(2) Fuel pumps shall meet the pertinent flow requirements of § 4b.413.

(3) All positive displacement fuel pumps shall incorporate an integral bypass, unless provision is made for a continuous supply of fuel to all engines in case of failure of any one pump. Engine fuel injection pumps which are approved as an integral part of the engine need not incorporate a by-pass.

(4) If the emergency fuel pumps are all dependent upon the same source of motive power, the main fuel pumps shall be capable of providing sufficient fuel flow and pressure to maintain level flight at maximum weight and normal cruising power at an altitude of 6,000 feet with 110° F. fuel without the aid of any emergency fuel pump.

(b) *Emergency pumps.* (1) Emergency fuel pumps shall be provided to permit supplying all engines with fuel in case of failure of any one main fuel pump, except in the case of installations in which the only fuel pump used in the system is an engine fuel injection pump which is approved as an integral part of the engine.

(2) Emergency fuel pumps shall be available for immediate use in case of failure of any other fuel pump. No manipulation of fuel valves shall be necessary on the part of the crew to make an emergency fuel pump available to the engine which it is normally intended to serve when the fuel system is being operated in the configuration complying with the provisions of § 4b.411.

72. By adding a new § 4b.432 (e) to read as follows:

§ 4b.432 *Fuel system lines and fittings.* * * *

(e) Flexible hoses which might be adversely affected by exposure to high temperatures shall not be employed in locations where excessive temperatures will exist during operation or after engine shutdown.

73. By amending § 4b.437 (a) (2) to read as follows:

§ 4b.437 *Fuel jettisoning system.* * * *

(a) * * *

(2) Climb at the one-engine-inoperative best rate-of-climb speed with the critical engine inoperative, the remaining engine(s) at maximum continuous power.

74. By amending § 4b.440 (b) to read as follows:

§ 4b.440 *General.* * * *

(b) The oil tank capacity available for the use of the engine shall not be less than the product of the endurance of the airplane under critical operating conditions and the maximum permissible oil consumption of the engine under the same conditions, plus a suitable margin to assure system circulation. In lieu of a rational analysis of airplane range, a fuel-oil ratio of 30:1 by volume shall be acceptable for airplanes not provided with a reserve or transfer system.

75. By amending § 4b.441 (d) to read as follows:

§ 4b.441 *Oil tank construction.* * * *

(d) *Oil tank outlet.* Provision shall be made to prevent entrance into the tank itself or into the tank outlet of any foreign object which might obstruct the flow of oil through the system. The oil tank outlet shall not be enclosed by any screen or guard which would reduce the flow of oil below a value necessary for any operating temperature condition.

76. By amending § 4b.443 to read as follows:

§ 4b.443 *Oil tank installation.* The oil tank installation shall comply with the provisions of § 4b.422, except that the location of an engine oil tank in a designated fire zone shall be acceptable if the tank and its supports are of fireproof construction to the extent that damage by fire to any nonfireproof parts would not result in leakage or spillage of oil.

77. By adding a new sentence at the end of § 4b.455 to read as follows: "Means shall be provided to prevent excessive pressures from being generated in the cooling system."

78. By adding a new § 4b.463 (d) to read as follows:

§ 4b.463 *Induction system ducts.* * * *

(d) Induction system ducts within any fire zone for which a fire-extinguishing system is required shall be of fire-resistant construction.

79. By amending § 4b.467 (a) (4) to read as follows:

§ 4b.467 *Exhaust system and installation components—(a) General.* * * *

(4) Exhaust gases shall not discharge in a manner to cause a fire hazard with respect to any flammable fluid vent or drain.

80. By adding a new § 4b.467 (a) (7) to read as follows:

(7) Exhaust shrouds shall be ventilated or insulated to avoid during normal operation a temperature sufficiently high to ignite any flammable fluids or vapors external to the shrouds.

81. By adding a new § 4b.467 (c) (5) to read as follows:

(c) *Exhaust heat exchangers.* * * *

(5) Heat exchangers or mufflers shall incorporate no stagnant areas or liquid traps which would increase the possibility of ignition of flammable fluids or vapors which might be present in case of failure or malfunctioning of components carrying flammable fluids.

82. By amending § 4b.467 (e) (4) to read as follows:

(e) *Exhaust driven turbo-superchargers.* * * *

(4) Means shall be provided so that, in the event of malfunctioning of the normal turbo-supercharger control system, the turbine speed will not be greater than its maximum allowable value. The components provided for this purpose shall be independent of the normal turbo-supercharger controls with the exception of the waste gate operating components themselves.

83. By amending § 4b.474 (c) to read as follows:

§ 4b.474 *Propeller controls.* * * *

(c) *Propeller reversing controls.* Propeller reversing controls shall incorporate a means to prevent their inadvertent movement to the reverse position. The means provided shall require a separate, distinct, and unmistakable operation by the crew in order to place the control in the reverse regime both in flight and on the ground.

84. By adding a new § 4b.477 (c) to read as follows:

§ 4b.477 *Powerplant accessories.* * * *

(c) If continued rotation of an engine-driven cabin supercharger or any other remote accessory driven by the engine will constitute a hazard in case malfunctioning occurs, means shall be provided to prevent hazardous rotation of such accessory without interfering with the continued operation of the engine. (See also § 4b.371 (c).)

85. By adding new subparagraphs (3), (4), and (5) to § 4b.478 (b) to read as follows:

§ 4b.478 *Engine ignition systems.* * * *

(b) * * *

(3) Portions of magneto ground wires for separate ignition circuits which lie on the engine side of the fire wall shall be installed, located, or protected so as to minimize the possibility of simultaneous failure of two or more wires as a result of mechanical damage, electrical faults, etc.

(4) Ground wires for any engine shall not be routed through fire zones, except those associated with the engine which the wires serve, unless those portions of the wires which are located in such fire zones are fireproof or are protected against the possibility of damage by fire in a manner to render them fireproof. See § 4b.472 for ignition switches.)

(5) Ignition circuits shall be independent of all other electrical circuits except circuits used for analyzing the operation of the ignition system.

86. By amending § 4b.480 (a) (5) to read as follows:

§ 4b.480 *Designated fire zones.* (a) * * *

(5) Fuel-burning heaters and other combustion equipment installations as defined by § 4b.386.

87. By adding a new paragraph (c) to § 4b.480 to read as follows:

§ 4b.480 *Designated fire zones.* * * *

(c) The nacelle area immediately behind the fire wall shall comply with the provisions of §§ 4b.463 (d), 4b.478 (b) (3), 4b.481 through 4b.485, 4b.489, and 4b.626.

88. By adding a new paragraph (c) to § 4b.481 to read as follows:

§ 4b.481 *Flammable fluids.* * * *

(c) No component of a flammable fluid-carrying system shall be located in close proximity to materials which can absorb such a fluid.

89. By adding a new sentence at the end of § 4b.482 (a) to read: "Closing the fuel shutoff valve for any engine shall not make any of the fuel supply unavailable to the remaining engines."

90. By amending § 4b.482 (b) to read as follows:

§ 4b.482 *Shutoff means.* * * *

(b) Operation of the shutoff means shall not interfere with the subsequent emergency operation of other equipment, such as feathering the propeller.

91. By amending § 4b.482 (d) to read as follows:

§ 4b.482 *Shutoff means.* * * *

(d) Provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means in flight after it has once been closed.

92. By amending § 4b.484 (a) (1) by adding the words "and the engine induction system" after the words "designated fire zones".

93. By amending § 4b.484 (a) by adding a new subparagraph (4) to read as follows:

§ 4b.484 *Fire extinguisher systems—*

(a) *General.* * * *

(4) The fire-extinguishing system for a nacelle shall be capable of protecting simultaneously all zones of the nacelle for which protection is provided.

94. By amending § 4b.484 (d) and (e) to read as follows:

§ 4b.484 *Fire extinguisher systems.*

(d) *Extinguishing agent container compartment temperature.* The temperature of the extinguishing agent containers shall be maintained sufficiently high to assure that the pressure in the container cannot fall below the minimum necessary to provide an appropriate rate of extinguishing agent discharge under all conditions in which the airplane is intended for operation.

(e) *Fire-extinguishing system materials.* All components of the fire extinguishing systems located in designated fire zones shall be constructed of fireproof materials.

95. By amending § 4b.485 by revising the first sentence thereof to read: "Quick-acting fire detectors of an approved type shall be provided in all designated fire zones and shall be sufficient in number and location to assure prompt detection of fire in such zones."

96. By adding new paragraphs (c), (d), and (e) to § 4b.485 to read as follows:

§ 4b.485 *Fire detector systems.* * * *

(c) Means shall be provided to permit the crew to check in flight the functioning of the electric circuit associated with the fire-detection system.

(d) Wiring and other components of detector systems which are located in fire zones shall be of fire-resistant construction.

(e) Detector system components for any fire zone shall not pass through other fire zones, unless they are protected against the possibility of false warnings resulting from fires in zones through which they pass. This provision need

not apply to zones in which the detector and extinguisher system protect more than one zone simultaneously.

97. By amending § 4b.487 (b) and (c) to read as follows:

§ 4b.487 *Cowling.* * * *

(b) Cowling shall have drainage and ventilation provisions as prescribed in § 4b.489.

(c) On airplanes equipped with a diaphragm complying with § 4b.488, the parts of the accessory section cowling which might be subjected to flame in the event of a fire in the engine power section of the nacelle shall be constructed of fireproof material and shall comply with the provisions of § 4b.486.

98. By redesignating § 4b.489 as § 4b.490.

99. By adding a new § 4b.489 to read as follows:

§ 4b.489 *Drainage and ventilation of fire zones.* (a) Provision shall be made for a rapid and complete drainage of all portions of designated fire zones in the event of failure or malfunctioning of components containing flammable fluids. The drainage provisions shall be so arranged that the discharged fluid will not cause an additional fire hazard.

(b) All designated fire zones shall be ventilated to prevent the accumulation of flammable vapors. Ventilation openings shall not be placed in locations which would permit the entrance of flammable fluids, vapors, or flame from other zones. The ventilation provisions shall be so arranged that the discharged vapors will not cause an additional fire hazard.

(c) Provision shall be made to permit the crew to shut off sources of forced ventilation in any fire zone except the engine power section of the nacelle.

100. By adding a new paragraph (j) to § 4b.603 to read as follows:

§ 4b.603 *Flight and navigational instruments.* * * *

(j) Maximum allowable air-speed indicator if an air-speed limitation results from compressibility hazards. (See § 4b.710.)

101. By amending § 4b.604 (d) and (h) to read as follows:

§ 4b.604 *Powerplant instruments.* * * *

(d) An independent fuel pressure indicator and warning device for each engine,

* * *

(h) An independent oil pressure indicator and warning device for each engine.

102. By adding a new paragraph (m) to § 4b.604 to read as follows:

§ 4b.604 *Powerplant instruments.* * * *

(m) A device for each engine capable of indicating to the flight crew during flight any change in the power output, if the engine is equipped with an automatic feathering system.

103. By adding a new § 4b.606 to read as follows:

§ 4b.606 *Equipment, systems, and installations—*(a) *Functioning and reliability.* All equipment, systems, and installations the functioning of which is necessary in showing compliance with the Civil Air Regulations shall be designed and installed to insure that they will perform their intended functions reliably under all reasonably foreseeable operating conditions.

(b) *Hazards.* All equipment, systems, and installations shall be designed to safeguard against hazards to the airplane in the event of their malfunctioning or failure.

(c) *Power supply.* Where an installation the functioning of which is necessary in showing compliance with the Civil Air Regulations requires a power supply, the power sources and the system shall be capable of supplying the following power loads in probable operating combinations and for probable durations:

(1) All loads connected to the system with the system functioning normally;

(2) All essential loads after failure of any one prime mover, power converter, or energy storage device;

(3) All essential loads after failure of any one engine on two- or three-engine airplanes, or after failure of any two engines on four-or-more-engine airplanes.

104. By amending § 4b.612 (a) (1) by adding the words "shall be of an approved type and" following the words "Air-speed indicating instruments".

105. By amending § 4b.612 (a) by adding a new subparagraph (6) to read as follows:

§ 4b.612 *Flight and navigational instruments—*(a) *Air-speed indicating systems.* * * *

(6) Where duplicate air-speed indicators are required, their respective pitot tubes shall be spaced apart to avoid damage to both tubes as a result of a collision with a bird.

106. By amending the title of § 4b.612 (b) to read "Static air vent and pressure altimeter systems." and by adding new subparagraphs (4) and (5) to read as follows:

(b) *Static air vent and pressure altimeter systems.* * * *

(4) Pressure altimeters shall be of an approved type and shall be calibrated to indicate pressure altitude in standard atmosphere with a minimum practicable instrument calibration error when the corresponding static pressures are applied to the instrument.

(5) The design and installation of the altimeter system shall be such that the error in indicated pressure altitude at sea level in standard atmosphere, excluding instrument calibration error, does not result in a reading more than 20 feet high nor more than 50 feet low in the speed range between $1.3 V_{so}$ and $2.0 V_{so}$.

107. By amending § 4b.612 (d) by revising the first sentence thereof to read: "If an automatic pilot system is installed, it shall be of an approved type, and the following shall be applicable:"

108. By amending § 4b.612 (d) (1) by deleting therefrom the word "either" and by changing the word "or" to "and".

109. By amending § 4b.612 (d) (4) to read as follows:

§ 4b.612 *Flight and navigational instruments.* * * *

(d) *Automatic pilot system.* * * *

(4) The automatic pilot system shall be of such design and so adjusted that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the airplane or create hazardous deviations in the flight path under any conditions of flight appropriate to its use either during normal operation or in the event of malfunctioning, assuming that corrective action is initiated within a reasonable period of time.

110. By amending § 4b.612 (e) to read as follows:

(e) *Instruments utilizing a power supply.* Each required flight instrument utilizing a power supply shall be provided with two independent sources of power, a means of selecting either power source, and a means of indicating the adequacy of the power being supplied to the instrument. The installation and power supply system shall be such that failure of one instrument, or of the energy supply from one source, or a fault in any part of the power distribution system, will not interfere with the proper supply of energy from the other source. (See also §§ 4b.606 (c) and 4b.623.)

111. By amending § 4b.612 by adding a new paragraph (f) to read as follows:

(f) *Duplicate instrument systems.* If duplicate sets of flight instruments are required by the Civil Air Regulations, each set shall be provided with a completely independent operating system. Additional instruments shall not be connected to the first pilot system. If additional instruments are connected to the other system, provision shall be made to disconnect or isolate in flight such additional instruments.

112. By rescinding § 4b.613 (e).

113. By rescinding §§ 4b.620 through 4b.628 and inserting in lieu thereof now §§ 4b.620 through 4b.627 to read as follows:

§ 4b.620 *General.* The provisions of §§ 4b.621 through 4b.627 shall apply to all electrical systems and equipment. (See also § 4b.606.)

§ 4b.621 *Electrical system capacity.* The required generating capacity and the number and type of power sources shall be determined by an electrical load analysis and shall comply with § 4b.606 (c).

§ 4b.622 *Generating system.* (a) The generating system shall be considered to include electrical power sources, main power busses, transmission cables, and associated control, regulation, and protective devices.

(b) The generating system shall be so designed that the power sources function properly when connected in combination and independently, and the failure or malfunctioning of any power source cannot create a hazard or impair

the ability of the remaining sources to supply essential loads.

(c) Means accessible in flight to appropriate crew members shall be provided for the individual and collective disconnection of electrical power sources from the main bus.

(d) Means shall be provided to indicate to appropriate crew members those generating system quantities which are essential for the safe operation of the system.

NOTE: The voltage and current supplied by each generator are quantities considered essential.

§ 4b.623 *Distribution system.* (a) The distribution system shall be considered to include all distribution busses, their associated feeders, and control and protective devices.

(b) Individual distribution systems shall be designed to insure that essential load circuits can be supplied in the event of reasonably probable faults or open circuits.

(c) Where two independent sources of electrical power for particular equipment or systems are required by the Civil Air Regulations, their electrical energy supply shall be assured.

NOTE: Various means may be used to assure a supply, such as duplicate electrical equipment, throw-over switching, and multi-channel or loop circuits separately routed.

§ 4b.624 *Electrical protection.* (a) Automatic protective devices shall be provided to minimize distress to the electrical system and hazard to the airplane in the event of wiring faults or serious malfunctioning of the system or connected equipment.

(b) In the generating system the protective and control devices shall be such as to de-energize and disconnect faulty power sources and power transmission equipment from their associated busses with sufficient rapidity to provide protection against overvoltage and other malfunctioning.

(c) If normal circuit protection will not prevent a hazardous condition in connected electrical equipment, such equipment shall be provided with an additional protective device within the equipment or with a warning means.

(d) All resettable type circuit protective devices shall be so designed that, when an overload or circuit fault exists, they will open the circuit irrespective of the position of the operating control.

(e) Protective devices or their controls used in essential load circuits shall be accessible for resetting in flight.

(f) Circuits for essential loads shall have individual circuit protection.

(g) If fuses are used, at least 50 percent spare fuses of each rating shall be provided for use in flight.

§ 4b.625 *Electrical equipment and installation.* (a) The electrical system, equipment, and installation shall be designed to comply with the provisions of § 4b.606 (a) and (b) under environmental conditions which are expected to exist in normal operation.

NOTE: The environmental conditions which may affect safe operation of the electrical system and equipment are: temperature, pressure, humidity, ventilation, position, ac-

celeration, vibration, and presence of detrimental substances.

(b) All electrical equipment, controls, and wiring shall be so installed that operation of any one unit or system of units will not affect adversely the simultaneous operation of any other electrical unit or system of units essential to the safe operation of the airplane.

(c) Cables shall be grouped, routed, and spaced so that damage to essential circuits will be minimized in the event of faults in heavy current-carrying cables.

(d) Batteries and their installations shall provide for ventilation, drainage of fluids, venting of gases, and protection of other parts of the airplane from corrosive battery fluids.

§ 4b.626 *Electrical system fire and smoke protection.* The design and installation of all components of the electrical system shall be in compliance with pertinent fire protection provisions of §§ 4b.370, 4b.385, and 4b.490. In addition, all electrical cables, terminals, and equipment which are necessary in emergency procedures and which are located in designated fire zones shall be fire-resistant.

§ 4b.627 *Electrical system tests and analyses.* It shall be demonstrated by tests and analyses that the complete electrical system functions properly and without electrical or thermal distress and that reasonably probable faults, malfunctioning, failures, and abnormal operating conditions or procedures will not cause a serious hazard.

114. By amending § 4b.641 to read as follows:

§ 4b.641 *Hand fire extinguishers.* (See §§ 4b.381, 4b.382, and 4b.383.)

115. By deleting the reference "§ 4b.18" in § 4b.643 and inserting in lieu thereof "§ 4b.17".

116. By adding a new § 4b.646 to read as follows:

§ 4b.646 *Accessibility and identification of safety equipment.* Prescribed safety equipment to be used in emergencies shall be accessible in flight, and its method of operation shall be marked. If such equipment is carried in compartments or containers, the compartments or containers shall be marked to identify the contents to crew and passengers.

117. By amending § 4b.650 to read as follows:

§ 4b.650 *Radio and electronic equipment.* (a) The radio and electronic equipment and their installations shall be designed to comply with the provisions of § 4b.606 (a) and (b) under environmental conditions which are expected to exist in normal operation.

NOTE: The environmental conditions which may affect safe operation of radio and electronic equipment are: temperature, pressure, humidity, ventilation, position, acceleration, vibration, and presence of detrimental substances.

(b) Radio and electronic equipment shall be supplied with power in accordance with the provisions of § 4b.623 (c).

(c) All radio and electronic equipment, controls, and wiring shall be so

installed that operation of any one unit or system of units will not affect adversely the simultaneous operation of any other radio or electronic unit or system of units required by the Civil Air Regulations.

118. By amending § 4b.651 (d) by amending the parenthetical sentence at the end of the paragraph to read: "(For crew masks to be used for protective breathing purposes see paragraph (h) of this section.)"

119. By amending § 4b.651 by adding thereto new paragraphs (f), (g), and (h) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* * * *

(f) *Fire protection.* (1) Oxygen equipment and lines shall not be located in any designated fire zone.

(2) Oxygen equipment and lines shall be protected from heat which may be generated in or escape from any designated fire zone.

(3) Oxygen equipment and lines shall be so installed that escaping oxygen cannot cause ignition of accumulations of grease, fluids, or vapors which are likely to be present in normal operation or as a result of failure or malfunctioning of any system.

(g) *Protection from rupture.* Oxygen pressure tanks and lines between tanks and the shutoff means shall be protected from the effects of unsafe temperatures, and shall be so located in the airplane as to minimize the possibility and the hazards of rupture in a crash landing.

(h) *Protective breathing equipment.* (1) On pressurized cabin airplanes there shall be provided at each flight crew member station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect the flight crew from the effects of smoke, carbon dioxide, and other harmful gases. A supply of protective oxygen of not less than 300 liters STPD for each flight crew member shall be provided when a demand type system is used. When a continuous flow system is used, it shall provide protection for 15 minutes at a minimum flow rate of 60 liters per minute STPD for each flight crew member.

NOTE: STPD refers to the international standard for measurement of gases. This standard assumes temperature at 0° C., pressure at 760 mm. Hg., dry.

(2) On nonpressurized cabin airplanes the protective breathing equipment and the protective oxygen supply shall be in accordance with the provisions of subparagraph (1) of this paragraph, if the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartment in any attitude of flight which might occur when the airplane is flown in accordance with normal or emergency procedures.

120. By rescinding § 4b.653.

121. By adding new §§ 4b.653 through 4b.655 to read as follows:

§ 4b.653 *Hydraulic systems; strength*—(a) *Structural loads.* All ele-

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ments of the hydraulic system shall be designed to withstand, without detrimental permanent deformation, all structural loads which may be imposed simultaneously with the maximum hydraulic loads occurring in operation.

(b) *Proof pressure tests.* All elements of the hydraulic system shall be tested to a proof pressure of 1.5 times the maximum pressure to which the part will be subjected in normal operation. In such test no part of the hydraulic system shall fail, malfunction, or suffer detrimental deformation.

(c) *Burst pressure tests.* Individual hydraulic system elements shall be subjected to burst pressure tests in which the pressures shall be sufficiently increased over those prescribed in paragraph (b) of this section to safeguard against rupture under service conditions. No part of the hydraulic system shall rupture under these increased pressures.

NOTE: The following burst pressures, in terms of percentage of maximum operating pressure, in most instances are sufficient to insure against rupture in service: 250 percent in units under oil pressure, 400 percent in units containing air and oil under pressure and in lines, hoses, and fittings, 300 percent in units of system subjected to back pressure.

§ 4b.654 *Hydraulic systems; design*—

(a) *Pressure indication.* A means shall be provided to indicate the pressure in each main power system and in subsystems which operate essential components of the airplane.

(b) *Pressure limiting provisions.* Provision shall be made to assure that pressures in any part of the system will not exceed a safe limit above the maximum operating pressure of the system and to insure against excessive pressures resulting from fluid volumetric changes in all lines which are likely to remain closed long enough for such changes to take place. In addition, the hydraulic system shall be designed to avoid detrimental transient (surge) pressures during operation.

NOTE: Transient pressures in excess of 135 percent of the system maximum operating pressure are normally considered as being detrimental.

(c) *Installation.* Hydraulic lines, fittings, and components shall be installed and supported to prevent excessive vibration and to withstand inertia loads. All elements of the installation shall be protected from abrasion, corrosion, and mechanical damage.

(d) *Connections.* Flexible hose, or other means of providing flexibility, shall be used to connect points in a hydraulic fluid line between which there is relative motion or differential vibration.

§ 4b.655 *Hydraulic system fire protection.* When flammable type hydraulic fluid is used, the hydraulic system shall comply with the provisions of §§ 4b.385, 4b.481, 4b.482, and 4b.483. In addition, means shall be provided by which the crew can shut off all pressure supplies in the main hydraulic system.

NOTE: An acceptable means in some cases is to provide a shutoff on the suction side of each engine-driven hydraulic pump and each main hydraulic system accumulator.

122. By adding a new § 4b.658 to read as follows:

4b.658 *Vacuum systems.* (a) Means, in addition to the normal pressure relief, shall be provided to relieve automatically the pressure in the discharge lines from the vacuum pump, if the delivery temperature of the air reaches an unsafe value.

(b) Vacuum system lines and components which might contain flammable vapors or fluids on the discharge side of the pump shall be fire-resistant if they are located in a designated fire zone.

123. By adding a new § 4b.718 (a) (5) to read as follows:

§ 4b.718 *Powerplant limitations.* * * *

(a) *Take-off operation.* * * *

(5) Maximum cylinder head or coolant outlet and oil temperatures, if these differ from the maximum limits for continuous operation.

124. By adding a new § 4b.718 (d) to read as follows:

§ 4b.718 *Powerplant limitations.* * * *

(d) *Cooling limitations.* The maximum sea level temperature for which satisfactory cooling has been demonstrated.

125. By adding a new § 4b.734 (d) to read as follows:

§ 4b.734 *Powerplant instruments; general.* * * *

(d) Engine or propeller speed ranges which are restricted because of excessive vibration stresses shall be marked with red arcs.

126. By amending § 4b.737 (c) (2) to read as follows:

§ 4b.737 *Control markings; general.* * * *

(c) *Accessory and auxiliary controls.* * * *

(2) Emergency controls, including fuel jettisoning and fluid shutoff controls, shall be colored red and shall be marked to indicate their function and method of operation.

d. It is proposed to amend the Civil Air Regulations by adding a new Part 5, effective January 1, 1952, to read as follows:

PART 5—GLIDER AIRWORTHINESS

APPLICABILITY AND DEFINITIONS

§ 5.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of type certificates for gliders. This part, until superseded or rescinded, shall apply to all gliders for which applications for type certification are made after the effective date of this part.

§ 5.1 *Definitions.* As used in this part terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of a glider or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as

means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *General design*—(1) *Glider*. A glider is a heavier-than-air aircraft the free flight of which does not depend principally upon a power generating unit.

CERTIFICATION

§ 5.10 *Eligibility for type certificates*. A glider shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions of Part 3 of the Civil Air Regulations modified to the extent the Administrator finds appropriate for gliders: *Provided*, That the Administrator finds no feature or characteristic of the glider which renders it unsafe.

§ 5.11 *Designation of applicable regulations*. (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of Part 1 of the Civil Air Regulations by the Administrator, any change to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the Civil Air Regulations with which compliance was demonstrated.

§ 5.12 *Amendment of part*. Unless otherwise established by the Board, an amendment of this part shall be effective with respect to gliders for which applications for type certificates are filed after the effective date of the amendment.

§ 5.13 *Type certificate*. (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the glider by complying with the requirements of §§ 5.14 through 5.16 in addition to those contained in Part 1 of the Civil Air Regulations.

(b) The type certificate shall be deemed to include the type design (see § 5.14 (b)), the operating limitations for the glider (see § 3.737), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 5.11 (a).)

§ 5.14 *Data required*. (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the glider complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the glider and all the design features covered in the requirements of this part, such information on dimen-

sions, materials, and processes as is necessary to define the structural strength of the glider, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent gliders of the same type.

§ 5.15 *Inspections and tests*. Inspections and tests shall include all those found necessary by the Administrator to insure that the glider complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design.

(b) All parts of the glider are constructed in accordance with the drawings in the type design.

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

§ 5.16 *Flight tests*. After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of the conformity of the glider with the type design, and upon receipt from the applicant of a report of flight tests performed by him, the following shall be conducted:

(a) Such official flight tests as the Administrator finds necessary to determine compliance with the requirements of this part.

(b) After the conclusion of flight tests specified in paragraph (a) of this section, such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the glider, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the glider, the number and nature of new design features, and the record of previous tests and experience for the particular glider type, its components, and equipment. If practicable, these flight tests shall be conducted on the same glider used in the flight tests specified in paragraph (a) of this section.

§ 5.17 *Airworthiness, experimental, and production certificates*. (For requirements with regard to these certificates see Part 1 of the Civil Air Regulations.)

§ 5.18 *Approval of materials, parts, processes, and appliances*. (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this section, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by

the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 5.19 *Changes in type design*. (For requirements with regard to changes in type design see Part 1 of the Civil Air Regulations.)

e. It is proposed to amend Part 6 of the Civil Air Regulations, effective January 1, 1952, as follows:

1. By amending the title of § 6.1 (c) (7) to read "Ground resonance" in lieu of "Ground resistance".

2. By deleting from § 6.10 the words "other design features" and by substituting in lieu thereof the word "factors".

3. By adding the word "thereto" after the word "amendments" in § 6.11 (a).

4. By deleting from § 6.11 (b) the reference "§ 6.24 of this part" and by substituting in lieu thereof "§ 1.24 of Part 1 of the Civil Air Regulations".

5. By designating the text of present § 6.13 as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 6.13 *Type certificate*. * * *
(b) The type certificate shall be deemed to include the type design (see § 6.14 (b)), the operating limitations for the rotorcraft (see § 6.700), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 6.11 (a).)

6. By amending § 6.14 to read as follows:

§ 6.14 *Data required*. (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the rotorcraft complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the rotorcraft and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the rotorcraft, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent rotorcraft of the same type.

7. By adding a new § 6.19 to read as follows:

§ 6.19 *Changes in type design*. (For requirements with regard to changes in type design see Part 1 of the Civil Air Regulations.)

8. By rescinding §§ 6.20 through 6.24.

9. By adding a new § 6.115 to read as follows:

§ 6.115 *Power-off landings for multi-engine rotorcraft*. For all multiengine rotorcraft it shall be possible to make a safe landing following complete failure of all power during normal operating conditions.

10. By amending § 6.335 to read as follows:

§ 6.335 *Wheels*. Landing gear wheels shall be of an approved type. The max-

imum static load rating of each wheel shall not be less than the corresponding static ground reaction under the maximum weight of the rotorcraft and the critical center of gravity position. The maximum limit load rating of each wheel shall not be less than the maximum radial limit load determined in accordance with the applicable ground load requirements of this part.

11. By amending the reference at the end of § 6.421 to read "§ 6.741 (g)" in lieu of "§ 6.741 (e)."

f. It is proposed to revise Part 13, effective January 1, 1952, to read as follows:

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 13.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of type certificates for engines used in aircraft. This part, until superseded or rescinded, shall apply to all engines for which applications for type certification are made after the effective date of this part.

§ 13.1 *Definitions.* As used in this part terms are defined as follows:

(a) *Administration.*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of an engine or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *General design.*—(1) *Standard atmosphere.* The standard atmosphere is an atmosphere defined as follows:

(i) The air is a dry, perfect gas,

(ii) The temperature at sea level is 59° F.,

(iii) The pressure at sea level is 29.92 inches Hg,

(iv) The temperature gradient from sea level to the altitude at which the temperature equals -67° F. is -0.003566° F./ft. and zero thereafter,

(v) The density ρ_0 at sea level under the above conditions is 0.002378 lbs. sec.²/ft.⁴

(2) *Brake horsepower.* Brake horsepower is the power delivered at the propeller shaft of the engine.

(3) *Take-off power.* Take-off power is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(4) *Maximum continuous power.* Maximum continuous power is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(5) *Manifold pressure.* Manifold pressure is the absolute pressure measured at the appropriate point in the induction system, usually in inches of mercury.

(6) *Critical altitude.*¹ The critical altitude is the maximum altitude at which in standard atmosphere it is possible to maintain without ram, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(i) The maximum continuous power, in the case of engines for which this power rating is the same at sea level or at the rated altitude,

(ii) The maximum continuous rated manifold pressure, in the case of engines the maximum continuous power of which is governed by a constant manifold pressure.

CERTIFICATION

§ 13.10 *Eligibility for type certificates.* An engine shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided*, That the Administrator finds no feature or characteristic of the engine which renders it unsafe for use on aircraft.

§ 13.11 *Designation of applicable regulations.* (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of Part 1 of the Civil Air Regulations by the Administrator, any change to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the Civil Air Regulations with which compliance was demonstrated.

§ 13.12 *Amendment of part.* Unless otherwise established by the Board, an amendment of this part shall be effective with respect to engines for which applications for type certificates are filed after the effective date of the amendment.

§ 13.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the engine by complying with the re-

quirements of §§ 13.14 through 13.16 in addition to those contained in Part 1 of the Civil Air Regulations.²

(b) The type certificate shall be deemed to include the type design (see § 13.14 (b)), the operating limitations for the engine (see § 13.16), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 13.11 (a).)

§ 13.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the engine complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the engine and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the engine, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent engines of the same type.

§ 13.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the engine complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design,

(b) All parts of the engine are constructed in accordance with the drawings in the type design,

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

§ 13.16 *Required tests.* The block tests prescribed in this part shall be conducted to establish the engine operating limitations, as chosen by the applicant, and the reliability of the engine to operate within those limitations. The provisions of paragraphs (a) through (d) of this section shall be applicable.

(a) The applicant shall furnish all testing facilities, including equipment and competent personnel, to conduct the prescribed block tests.

(b) An authorized representative of the Administrator shall witness such of the block tests as are necessary to verify the test report.

(c) The Administrator shall establish engine operating limitations determined on the basis of the engine operating conditions demonstrated during the block tests. Such operating limitations shall include those of the following items which he finds necessary for safe operation of the engine: power output, crankshaft speed, manifold pressure, spark and

¹ These definitions may not apply in the case of less conventional engines such as compound, variable discharge turbine, etc.

² Prior to approval for use of a type certificated engine in a certificated aircraft, the engine will be required to comply with pertinent provisions of the applicable aircraft airworthiness parts of the Civil Air Regulations.

mixture settings, fuel and oil grades, and cylinder head, barrel, intake air, and oil inlet temperatures.

(d) It shall be permissible to use separate engines of identical design and construction in the vibration, calibration, detonation (if applicable), endurance, and operation tests prescribed in subparts B and C of this part, except that if a separate engine is used for the endurance test it shall be subjected to a calibration check before starting the endurance test.

§ 13.17 *Production certificates.* (For requirements with regard to production certificates see Part 1 of the Civil Air Regulations.)

§ 13.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 13.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of the Civil Air Regulations.)

IDENTIFICATION AND INSTRUCTION MANUAL

§ 13.20 *Identification plate.* A fire-proof identification plate shall be securely attached to the engine in a location which will be readily accessible when the engine is installed in an aircraft. The identification plate shall contain the identification data required by § 1.50 of Part 1 of the Civil Air Regulations.

§ 13.21 *Instruction manual.* The applicant shall prepare and make available an approved manual containing instructions for the installation, operation, servicing, maintenance, repair, and overhaul of the engine.

NOTE: It is not intended to limit the form of the manual to a single document.

SUBPART B—RECIPROCATING ENGINES

DESIGN AND CONSTRUCTION

§ 13.100 *Scope.* The provisions of this subpart shall apply to reciprocating engines.

(a) The engine shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

(b) The design and construction provisions of this subpart shall be applicable to the engine when it is installed, operated, and maintained in accordance

with the instruction manual prescribed in § 13.21 and when fitted with an appropriate propeller.

§ 13.101 *Materials.* The suitability and durability of all materials used in the engine shall be established on a basis of experience or tests. All materials used in the engine shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 13.102 *Fire prevention.* The design and construction of the engine and the materials used shall be such as to minimize the probability of occurrence and spread of fire because of structural failure, overheating, or other causes.

§ 13.103 *Vibration.* The engine shall be designed and constructed to function throughout its normal operating range of crankshaft rotational speeds and engine powers without inducing excessive stress in any of the engine parts because of vibration and without imparting excessive vibration forces to the aircraft structure.

§ 13.104 *Durability.* All parts of the engine shall be designed and constructed to minimize the development of an unsafe condition of the engine between overhaul periods.

§ 13.110 *Fuel and induction system.* (a) The fuel system of the engine shall be designed and constructed to supply an appropriate mixture of fuel throughout the complete operating range of the engine under all flight and atmospheric conditions.

(b) The intake passages of the engine through which air or fuel in combination with air passes for combustion purposes shall be designed and constructed to minimize the danger of ice accretion in such passages. The engine shall be designed and constructed to permit the use of a means for ice prevention.

§ 13.111 *Ignition system.* All spark ignition engines shall be equipped with either a dual ignition system having at least two spark plugs per cylinder and two separate electrical circuits with separate sources of electrical energy, or with an ignition system which will function with equal reliability in flight.

§ 13.112 *Lubrication system.* (a) The lubrication system of the engine shall be designed and constructed so that it will function properly in all flight attitudes and atmospheric conditions in which the airplane is expected to operate.

(b) In wet sump engines the provision of paragraph (a) of this section shall be complied with when only one-half of the maximum lubricant supply is in the engine.

(c) The lubrication system of the engine shall be designed and constructed to permit the installation of a means for cooling of the lubricant.

§ 13.113 *Engine cooling.* The engine shall be designed and constructed to provide the necessary cooling under conditions in which the airplane is expected to operate.

§ 13.114 *Engine mounting attachments.* The mounting attachments and structure of the engine shall have sufficient strength, when the engine is mounted on an aircraft, to withstand the loads arising from the loading conditions prescribed in the airworthiness parts of the Civil Air Regulations applicable to the aircraft involved.

§ 13.115 *Accessory attachments.* Accessory drives and mounting attachments shall be designed and constructed so that the engine will operate properly with the accessories attached. The design of the engine shall incorporate provisions for the examination, adjustment, or removal of all essential engine accessories.

BLOCK TESTS

§ 13.150 *General.* The engine, including all essential accessories, shall be subjected to the block tests and inspections prescribed in §§ 13.151 through 13.157.

§ 13.151 *Vibration test.* A vibration survey shall be conducted to investigate crankshaft torsional and bending vibration characteristics over the operational range of crankshaft rotational speed and engine power normally used in flight (including low-power operation), from idling speed to either 110 percent of the desired maximum continuous speed rating, or 103 percent of the desired take-off speed rating, whichever is higher. The survey shall be conducted with a representative propeller. If critical vibration is found to be present in the operating range of the engine, changes in the design of the engine shall be made for its elimination prior to the conduct of the endurance test specified in § 13.154, or the endurance test shall include operation under the most adverse vibration condition for a period sufficient to establish the ability of the engine to operate without fatigue failure.

§ 13.152 *Calibration test.* The engine shall be subjected to such calibration tests as are necessary to establish its power characteristics and the conditions for the endurance test specified in § 13.154. The results of this test shall constitute the basis for establishing the characteristics of the engine over its entire operating range of crankshaft rotational speeds, manifold pressures, fuel/air mixture settings, and altitudes. Power ratings shall be based upon standard atmospheric conditions. (See also § 13.16 (d).)

§ 13.153 *Detonation test.* A test shall be conducted to establish that the engine can function without detonation throughout its range of intended conditions of operation.

§ 13.154 *Endurance test.* The endurance test of an engine with a representative propeller shall include a total of 150 hours of operation, consisting of the individual runs specified in paragraphs (a) through (c) of this section. The test shall be performed in such periods and order as are found appropriate by the Administrator for the specific engine. During the test the engine power and the crankshaft rotational speed shall be controlled within ± 3 percent of the specified values.

(a) *90-hour run.* The 90-hour run shall be made at maximum continuous crankshaft rotational speed and engine power unless a take-off rating greater than the maximum continuous rating is to be established, in which case the conditions of subparagraph (1) of this paragraph shall apply, or unless a maximum continuous rating at altitude differing from the sea level maximum continuous rating is to be established, in which case the conditions of subparagraph (2) of this paragraph shall apply.

(1) If a take-off rating greater than the maximum continuous rating is to be established, a 10-hour run at the take-off rating shall be substituted for an equal number of hours of the 90 hours at the maximum continuous rating. The run at take-off rating shall be the basis for the establishment of a take-off rating, except that the rating shall not specify a duration greater than 5 minutes.

(2) If a maximum continuous rating at altitude differing from the sea level maximum continuous rating is to be established half of the 90 hours at maximum continuous rating shall be made at the maximum power obtainable at the critical altitude with the maximum continuous manifold pressure and crankshaft rotational speed.

(b) *40-hour run.* The 40-hour run shall be made in five periods of 8 hours each at 50, 60, 65, 70, and 75 percent, respectively, of the maximum continuous rating.

(c) *20-hour run.* The 20-hour run shall be made at the maximum weak-mixture power or at the maximum recommended cruising power.

§ 13.155 *Operation test.* The operation test shall include all testing found by the Administrator to be necessary to demonstrate backfire characteristics, starting, idling, acceleration, overspeeding, functioning of propeller and ignition, and any other operational characteristic of the engine.

§ 13.156 *Teardown inspection.* After completion of the endurance test the engine shall be completely disassembled and a detailed inspection shall be made of the engine parts to check for fatigue and wear.

§ 13.157 *Engine adjustments and parts replacements.* During the block tests servicing and minor repairs of the engine shall be permissible. If major repairs or replacement of parts are found necessary during the tests or in the teardown inspection, the parts in question shall be subjected to such additional tests as are found by the Administrator to be necessary.

SUBPART C—TURBINE ENGINES

DESIGN AND CONSTRUCTION

§ 13.200 *Scope.* The provisions of this subpart shall apply to turbine engines.

(a) The engine shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

(b) The design and construction provisions of this subpart shall be applicable

to the engine when it is installed, operated, and maintained in accordance with the instruction manual prescribed in § 13.21 and when fitted with an appropriate propeller (if used).

§ 13.201 *Materials.* The suitability and durability of all materials used in the engine shall be established on a basis of experience or tests. All materials used in the engine shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 13.202 *Fire prevention.* The design and construction of the engine and the materials used shall be such as to minimize the probability of occurrence and spread of fire because of structural failure, overheating, or other causes.

§ 13.203 *Vibration.* The engine shall be designed and constructed to function throughout its normal operating range of rotational speeds and engine powers without inducing excessive stress in any of the engine parts because of vibration and without imparting excessive vibration forces to the aircraft structure.

§ 13.204 *Durability.* All parts of the engine shall be designed and constructed to minimize the development of an unsafe condition of the engine between overhaul periods.

§ 13.205 *Surge characteristics.* The engine shall be free of detrimental surge throughout its operating range in the minimum ambient air temperature in which it is to be operated.

§ 13.210 *Fuel and induction system.* (a) The fuel system of the engine shall be designed and constructed to supply an appropriate mixture of fuel to the combustion chamber(s) throughout the complete operating range of the engine under all flight and atmospheric conditions.

(b) The intake passages of the engine through which air or fuel in combination with air passes for combustion purposes shall be designed and constructed to minimize the danger of ice accretion in such passages. The engine shall be designed and constructed to permit the use of a means for ice prevention.

§ 13.211 *Ignition system.* All engines shall be equipped with an ignition system for starting the engine on the ground and in flight.

§ 13.212 *Lubrication system.* The lubrication system of the engine shall be designed and constructed so that it will function properly in all flight attitudes and atmospheric conditions in which the airplane is expected to operate.

§ 13.213 *Engine cooling.* The engine shall be designed and constructed to provide the necessary cooling under conditions in which the airplane is expected to operate.

§ 13.214 *Engine mounting attachments.* The mounting attachments and structure of the engine shall have sufficient strength, when the engine is mounted on an aircraft, to withstand the loads arising from the loading conditions prescribed in the airworthiness

parts of the Civil Air Regulations applicable to the aircraft involved.

§ 13.215 *Accessory attachments.* Accessory drives and mounting attachments shall be designed and constructed so that the engine will operate properly with the accessories attached. The design of the engine shall incorporate provisions for the examination, adjustment, or removal of all essential engine accessories.

BLOCK TESTS

§ 13.250 *General.* The engine, including all essential accessories, shall be subjected to the block tests and inspections prescribed in §§ 13.251 through 13.257. In addition, throughout the tests, unless otherwise chosen by the applicant, the controlled air extraction shall be zero.

§ 13.251 *Vibration test.* A vibration survey shall be conducted to investigate the vibration characteristics of the engine over the operational range of rotational speed and engine power. If critical vibration is found to be present in the operating range of the engine, changes in design of the engine shall be made for its elimination prior to the conduct of the endurance test specified in § 13.254, or the endurance test shall include operation under the most adverse vibration condition for a period sufficient to establish the ability of the engine to operate without fatigue failure.

§ 13.252 *Calibration test.* The engine shall be subjected to such calibration tests as are necessary to establish its power characteristics and the conditions for the endurance test specified in § 13.254. The results of this test shall constitute the basis for establishing the characteristics of the engine over its entire operating range of crankshaft rotational speeds, manifold pressures, fuel/air mixture settings, and altitudes. Power ratings shall be based upon standard atmospheric conditions. (See also § 13.16 (d).)

§ 13.254 *Endurance test.* The endurance test of an engine with a representative propeller (if applicable) shall include a total of 150 hours of operation, consisting of 30 periods of 5 hours each as specified in this section. The test shall be performed in such order as is found appropriate by the Administrator for the specific engine. Each period of the 150-hour endurance test shall be conducted as follows.

(a) *Take-off and idling.* One hour of alternate 5-minute periods shall be conducted at maximum take-off power and/or thrust and at idling power and/or thrust. The developed powers and/or thrusts at take-off and idling conditions and their corresponding rotor speed and gas temperature conditions shall be as established by the power control(s) in accordance with the schedule established by the manufacturer.

(b) *91 percent take-off power and/or thrust.* Thirty minutes shall be conducted at the power lever position corresponding with either 91 percent take-off power and/or thrust or maximum continuous power and/or thrust, whichever is the greater.

(c) *Maximum continuous power and/or thrust.* One hour and 30 minutes shall be conducted at the power lever position corresponding with maximum continuous power and/or thrust.

(d) *90 percent maximum continuous power and/or thrust.* One hour shall be conducted at the power lever position corresponding with 90 percent maximum continuous power and/or thrust.

(e) *75 percent maximum continuous power and/or thrust.* Thirty minutes shall be conducted at the power lever position corresponding with 75 percent maximum continuous power and/or thrust.

(f) *Acceleration and deceleration runs.* Thirty minutes shall be conducted of accelerations and decelerations consisting of five cycles from idling power and/or thrust to take-off power and/or thrust and maintained at the take-off power and/or thrust for 30 seconds and at the idling power and/or thrust for approximately 5 minutes.

(g) *Starts.* Seventy-five starts shall be made of which 30 starts shall be preceded by a 2-hour shutdown. It shall be acceptable to make the remaining starts after the completion of the 150 hours of endurance testing.

§ 13.255 *Operation test.* The operation test shall include all testing found by the Administrator to be necessary to demonstrate starting, idling, acceleration, overspeeding, functioning of propeller (if applicable) and ignition, and any other operational characteristic of the engine.

§ 13.256 *Teardown inspection.* After completion of the endurance test the engine shall be completely disassembled and a detailed inspection shall be made of the engine parts to check for fatigue and wear.

§ 13.257 *Engine adjustments and parts replacements.* During the block tests servicing and minor repairs of the engine shall be permissible. If major repairs or replacement of parts are found necessary during the tests or in the teardown inspection, the parts in question shall be subjected to such additional tests as are found by the Administrator to be necessary.

g. It is proposed to revise Part 14, effective January 1, 1952, to read as follows:

PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 14.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of type certificates for propellers¹ used in aircraft. This part, until superseded or rescinded, shall apply to all propellers for which applications for type certification are made after the effective date of this part.

§ 14.1 *Definitions.* As used in this part terms are defined as follows:

¹ Applicable to both reciprocating and turbine engines, unless otherwise stated.

(a) *Administration.*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of a propeller or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *General design.*—(1) *Propeller.* A propeller includes all parts, appurtenances, and accessories thereof.²

(2) *Propeller accessories.* Propeller accessories are those necessary for the control and operation of the propeller.

(3) *Pitch setting.* Pitch setting is the propeller blade setting determined by the blade angle measured in a manner, and at a radius, specified in the instruction manual for the propeller.

(4) *Fixed-pitch propeller.* A fixed-pitch propeller is a propeller the pitch setting of which cannot be changed except by processes constituting a workshop operation.

(5) *Adjustable-pitch propeller.* An adjustable-pitch propeller is a propeller the pitch setting of which can be conveniently changed in the course of ordinary field maintenance but which cannot be changed when the propeller is rotating.

(6) *Variable-pitch propeller.* A variable-pitch propeller is a propeller the pitch setting of which can be changed by the flight crew or by automatic means while the propeller is rotating.

(7) *Feathered pitch.* Feathered pitch is the pitch setting, chosen by the applicant, which in flight, with the engines stopped, gives approximately the minimum drag and corresponds with a windmilling torque of approximately zero.

(8) *Reverse pitch.* Reverse pitch is the propeller pitch setting for any blade angle used beyond zero pitch (e. g. the negative angle used for reverse thrust).

CERTIFICATION

§ 14.10 *Eligibility for type certificates.* A propeller shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the propeller which renders it unsafe for use on aircraft.

§ 14.11 *Designation of applicable regulations.* (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of Part 1 of the Civil Air Regulations by the Administrator, any change to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions

incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the Civil Air Regulations with which compliance was demonstrated.

§ 14.12 *Amendment of part.* Unless otherwise established by the Board, an amendment of this part shall be effective with respect to propellers for which applications for type certificates are filed after the effective date of the amendment.

§ 14.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the propeller by complying with the requirements of §§ 14.14 through 14.16 in addition to those contained in Part 1 of the Civil Air Regulations.³

(b) The type certificate shall be deemed to include the type design (see § 14.14 (b)), the operating limitations for the propeller (see § 14.16), and any other conditions or limitations prescribed by the Civil Air Regulations. (See also § 14.11 (a).)

§ 14.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the propeller complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the propeller and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the propeller, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent propellers of the same type.

§ 14.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the propeller complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design.

(b) All parts of the propeller are constructed in accordance with the drawings in the type design.

(c) All manufacturing processes, construction, and assembly are such that the design strength and safety contemplated by the type design will be realized in service.

³ Prior to approval for use of a type certificated propeller in a certificated aircraft, the propeller will be required to comply with pertinent provisions of the applicable aircraft airworthiness parts of the Civil Air Regulations.

² As defined in Section 1 of the Civil Aeronautics Act of 1938, as amended.

§ 14.16 *Required tests.* The tests prescribed in this part shall be conducted to establish the propeller operating limitations, as chosen by the applicant, and the reliability of the propeller to operate within those limitations. The provisions of paragraphs (a) through (c) of this section shall be applicable.

(a) The applicant shall furnish all testing facilities, including equipment and competent personnel, to conduct the prescribed tests.

(b) An authorized representative of the Administrator shall witness such of the tests as are necessary to verify the test report.

(c) The Administrator shall establish propeller operating limitations determined on the basis of the propeller operating conditions demonstrated during the tests.

§ 14.17 *Production certificates.* (For requirements with regard to production certificates see Part 1 of the Civil Air Regulations.)

§ 14.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 14.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of the Civil Air Regulations.)

IDENTIFICATION AND INSTRUCTION MANUAL

§ 14.20 *Propeller identification data.* A certificated propeller, propeller blade, or propeller hub shall have displayed upon it conspicuously the identification data required by § 1.50 of Part 1 of the Civil Air Regulations. The identification data shall be permanently attached upon a noncritical surface of the propeller, blade, or hub by means of a plate, stamping, engraving, etching, or other approved method. When such data are not visible when the propeller is assembled or installed on an aircraft, they shall also be painted or printed on the propeller, blade, or hub.

§ 14.21 *Instruction manual.* The applicant shall prepare and make available an approved manual containing instructions for the installation, operation, servicing, maintenance, repair, and overhaul of the propeller.

NOTE: It is not intended to limit the form of the manual to a single document.

SUBPART B—AIRWORTHINESS

DESIGN AND CONSTRUCTION

§ 14.100 *Scope.* (a) The propeller shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

(b) The design and construction provisions of this part shall be applicable to the propeller when it is installed, operated, and maintained in accordance with the instruction manual prescribed in § 14.21.

§ 14.101 *Materials.* The suitability and durability of all materials used in the propeller shall be established on a basis of experience or tests. All materials used in the propeller shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 14.102 *Durability.* All parts of the propeller shall be designed and constructed to minimize the development of an unsafe condition of the propeller between overhaul periods.

TESTS

§ 14.150 *General.* The tests and inspections prescribed in §§ 14.151 through 14.157 shall be applicable to propellers, including all essential accessories. The propeller shall complete the prescribed tests without evidence of failure or malfunctioning.

§ 14.151 *Centrifugal load test.* The hub and blade retention arrangement of propellers with detachable blades shall be subjected to a centrifugal load equal to twice the centrifugal force to which the propeller is to be subjected in normal operation. Either one of the following two test methods shall be acceptable.

- (a) A one-hour whirl test,
- (b) A static pull test.

§ 14.152 *Vibration test.* Propellers with metal blades and/or metal hubs shall be subjected to a vibration test to determine the magnitude of the vibration stresses which occur in the blade and/or hub when the propeller is operated under conditions sufficient to substantiate the vibratory stresses under all conditions of rotational speed and engine power which are to be established for the propeller. The test shall be conducted on the same or equivalent engine and test stand configuration on which the endurance tests are conducted.

§ 14.153 *Endurance test—(a) Fixed-pitch wood propellers.* Fixed-pitch wood propellers shall be subjected to one of the following endurance tests.

(1) A 10-hour endurance block test on an engine shall be conducted with a propeller of the greatest pitch and diameter for which certification is sought at the rated rotational speed.

(2) A 50-hour flight test shall be conducted in level flight or in climb. At least 5 hours of this flight test shall be conducted with the propeller operated at the rated rotational speed, and the remainder of the 50 hours shall be conducted with the propeller operated at

not less than 90 percent of the rated rotational speed.

(3) A 50-hour endurance block test on an engine shall be conducted at the power and propeller rotational speed for which certification is sought.

(b) *Fixed-pitch metal propellers and adjustable-pitch propellers.* Fixed-pitch propellers with metal blades and adjustable-pitch propellers shall be subjected to one of the endurance tests prescribed in subparagraphs (a) (2) and (a) (3) of this section.

(c) *Variable-pitch propellers.* Variable-pitch propellers for use with reciprocating engines shall be subjected to one of the following endurance tests.

(1) A 100-hour endurance test shall be conducted on an engine of the same power and speed characteristics as the engine or engines with which the propeller is intended to be used. At least 50 hours of this test shall be conducted at the maximum continuous rotational speed and power rating of the propeller, the remainder of the 100 hours shall be conducted at the rotational speed and power conditions found critical in the vibration test prescribed in § 14.152. If a take-off rating greater than the maximum continuous rating is to be established, a 10-hour block test in addition to the 100 hours shall be conducted at the maximum power and rotational speed for the take-off rating.

(2) The propeller shall be operated throughout the engine endurance tests prescribed in Part 13 of the Civil Air Regulations.

§ 14.154 *Functional test.* Variable-pitch propellers shall be subjected to the following functional tests as applicable. The same propeller as used in the endurance test shall be used in the functional tests and shall be driven by an engine mounted on a test stand or in an aircraft.

(a) *Manually controllable propellers.* 500 complete cycles of control shall be applied throughout the pitch and rotational speed ranges.

(b) *Automatically controllable propellers.* 1,500 complete cycles of control by means of automatic control mechanism shall be applied throughout the pitch and rotational speed ranges.

(c) *Feathering propellers.* 50 cycles of feathering operation shall be applied.

(d) *Reversible-pitch propellers.* 200 complete cycles of control shall be applied from the lowest normal pitch to the maximum reverse pitch. At the end of each cycle the propeller shall be operated in reverse pitch for a period of one minute at the reverse speed maximum rotational speed and power.

§ 14.155 *Special tests.* Such tests shall be conducted as the Administrator finds necessary to substantiate the use of any unconventional features of design, material, or construction.

§ 14.156 *Teardown inspection.* After completion of the tests, the propeller shall be completely disassembled and a detailed inspection shall be made of the propeller parts to check for fatigue, wear, and distortion.

§ 14.157 *Propeller adjustments and parts replacements.* During the tests servicing and minor repairs of the propeller shall be permissible. If major repairs or replacement of parts are found necessary during the tests or in the tear-down inspection, the parts in question shall be subjected to such additional tests as are found by the Administrator to be necessary.

h. It is proposed to rescind Part 15, Aircraft Equipment Airworthiness, effective January 1, 1952.

i. It is proposed to amend Part 41, effective January 1, 1952, as follows:

1. By amending § 41.27 by deleting the reference "§§ 4b.71 to 4b.171" and inserting in lieu thereof "§§ 4b.100 through 4b.190".

2. By amending § 41.29 (c) to read as follows:

§ 41.29 *Take-off limitations to provide for engine failure.* * * *

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. Take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

3. By amending § 41.30 (b) to read as follows:

§ 41.30 *En route limitations.* * * *

(b) *All airplanes; one engine inoperative.* Airplanes shall be dispatched only at such take-off weights that, in proceeding along the intended track with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the rate of climb with one engine inoperative (as set forth in the Airplane Flight Manual) shall be, in feet per minute $(0.06 - \frac{.08}{N}) V_{s_0}^2$, where N is the number of engines and V_{s_0} is expressed in miles per hour, at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track; except that for airplanes certificated under the performance requirements of Part 4a of this subchapter the above rate-of-climb value shall be 0.02 $V_{s_0}^2$ irrespective of the number of engines.

4. By amending § 41.33 (b) to read as follows:

§ 41.33 *Landing distance limitations.* * * *

(b) For every probable condition of wind velocity and direction and the corresponding landing direction required at the airport of intended destination by the ground handling characteristics of the airplane type involved or by other conditions, the ratio of landing distance to effective length of landing area shall not be greater than that as specified in paragraph (a) of this section, after allowing for the effect on landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of land-

ing, or not less than 150 percent of the wind component if in the direction of landing.

j. It is proposed to amend Part 42, effective January 1, 1952, as follows:

1. By amending § 42.72 (c) to read as follows:

§ 42.72 *Take-off limitations to provide for engine failure.* * * *

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. Take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

2. By amending § 42.74 to read as follows:

§ 42.74 *En route limitations; one engine inoperative.* Airplanes shall be dispatched only at such take-off weights that, in proceeding along the intended track with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the rate of climb with one engine inoperative (as set forth in the Airplane Flight Manual) shall be in feet per minute

$$(0.06 - \frac{.08}{N}) V_{s_0}^2,$$

where N is the number of engines and V_{s_0} is expressed in miles per hour, at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track; except that for airplanes certificated under the performance requirements of Part 4a of this subchapter the above rate-of-climb value shall be 0.02 $V_{s_0}^2$ irrespective of the number of engines.

3. By amending § 42.83 (b) to read as follows:

§ 42.83 *Landing distance limitations, airport of destination.* * * *

(b) It shall be assumed, considering every probable wind velocity and direction, that the airplane is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane and allowing for the effect on the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

k. It is proposed to amend Part 61, effective January 1, 1952, as follows:

1. By amending § 61.215 (c) to read as follows:

§ 61.215 *Take-off limitations to provide for engine failure.* * * *

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. Take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-

off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

2. By amending § 61.216 (b) to read as follows:

§ 61.216 *Landing distance limitations.* * * *

(b) For every probable condition of wind velocity and direction and the corresponding landing direction required at the airport of intended destination by the ground handling characteristics of the airplane type involved or by other conditions, the ratio of landing distance to effective length of landing area shall not be greater than that as specified in paragraph (a) of this section, after allowing for the effect on landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

3. By amending § 61.220 to read as follows:

§ 61.220 *All airplanes; one engine inoperative.* Airplanes shall be dispatched only at such take-off weights that, in proceeding along the intended track with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the rate of climb with one engine inoperative (as set forth in the Airplane Flight Manual) shall be, in feet per minute $(0.06 - \frac{.08}{N}) V_{s_0}^2$, where N is the number of engines and V_{s_0} is expressed in miles per hour, at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track; except that for airplanes certificated under the performance requirements of Part 4a of this subchapter the above rate-of-climb value shall be 0.02 $V_{s_0}^2$ irrespective of the number of engines.

[F. R. Doc. 51-13507; Filed, Nov. 7, 1951; 8:49 a. m.]

[14 CFR Parts 4b, 41, 42, and 61]

CARGO TRANSPORT CATEGORY AND OPERATING LIMITATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 4b establishing a cargo transport category, and a Special Civil Air Regulation establishing operating limitations for airplanes certificated in this category.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by November 30, 1951, will be considered by the Board before taking further action on the proposed rules.

Copies of such communications will be available after December 4, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

In the presently effective Part 4b of the Civil Air Regulations there is no distinction between transport category airplanes intended for the carriage of passengers and those intended for the carriage of cargo. There have been many requests in the past that a distinction be made in Part 4b between the airplanes used in these two different types of operation. To accomplish this, it is the Bureau's intent to propose an amendment of Part 4b establishing criteria for cargo transport category airplanes which would retain an appropriately high level of safety and would contribute to the development of cargo operations. The establishment of such criteria makes it imperative to prescribe operating limitations for this category.

This problem has been under study for some time and was recently discussed on August 9th and 10th at the annual airworthiness meetings in Washington, D. C.

The proposal contained herein would permit an increase of 5 percent in the certificated maximum weights of cargo transport category airplanes above those prescribed in Part 4b for passenger transport category airplanes subject to certain operating limitations. A flight demonstration would be required to show that this increase would have no adverse effect on the flight characteristics.

Current Civil Air Regulations contain no performance operating limitations which have any practical effect on cargo aircraft presently engaged in air carrier operations. By Special Civil Air Regulation SR-368 the Board authorized any air carrier engaged in scheduled air transportation of cargo to conduct such transportation under the rules prescribed for irregular air carriers in Part 42 of the Civil Air Regulations. With respect to such operations § 42.14 provides, in effect, that the Administrator will establish the performance operating limitations. This Bureau considers that, in the interest of uniformity, performance operating limitations for the cargo transport category should be established in the Civil Air Regulations. It is therefore proposed that airplanes so certificated be subject to the same performance operating limitations as are applicable to large passenger-carrying airplanes presently contained in Part 42, except that the operating weights determined in accordance with the en route climb limitations could be increased by 5 percent. The take-off and landing limitations, i. e., the rules for the take-off and landing distances, runway length, and take-off obstacle clearance with one engine inoperative, for both the passenger and cargo transport categories would be the same.

The proposed rules for the cargo transport category would permit some difference in the level of safety as compared with the level of safety now prescribed for the passenger transport category. However, this difference is not inconsistent with the differences which may exist under present practices, such as the difference between instru-

ment and VFR operations or the difference between flights over hazardous terrain and those over favorable terrain.

During the aforementioned annual airworthiness meetings, the problem of cargo compartment fire protection was discussed. This Bureau considers that § 4b.383 and proposed amendments thereto adequately cover the various compartment categories and accordingly they could be made appropriately applicable to the cargo transport category.

Consideration was given to the establishment of a completely new part of the regulations exclusively for the cargo transport category, but since an amendment of Part 4b, such as is being proposed herein, would result in an almost immediate benefit to the air carriers and the public, whereas the preparation of a new part would take some time, it is considered advisable to propose an amendment to Part 4b at this time. This proposal does not preclude the possibility of a separate part for the cargo transport category at some future date.

Consideration was also given to the possibility of eliminating flare equipment from cargo transport category airplanes. It is our intention to withhold any recommendation concerning the elimination of flares for the present so that an additional study can be made of this problem.

It should be noted that the specific section numbers of Part 4b referred to in this proposal are those presently effective. These may be changed as a result of other amendments stemming from the annual airworthiness review which are being proposed separately.

It is therefore proposed to amend Part 4b, effective January 1, 1952, as follows:

1. By amending the title of Part 4b to read: "Airplane Airworthiness; Passenger Transport and Cargo Transport Categories."

2. By amending § 4b.0 to read as follows:

§ 4b.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of a type certificate for passenger transport category and cargo transport category airplanes. This part, until superseded or rescinded, shall apply to all passenger transport category and cargo transport category airplanes for which applications for type certification are made after the effective date of this part.

3. By adding a new § 4b.15 (c) to read as follows:

§ 4b.15 *Flight tests.* * * *

(c) In addition to the other flight tests prescribed in this section, airplanes certificated in the cargo transport category shall be subjected to such flight demonstrations at the maximum weight established in accordance with § 4b.101 (d) as the Administrator finds necessary to determine that the increased weight does not substantially deteriorate the flight characteristics of the airplane.

4. By adding a new § 4b.18 to read as follows:

§ 4b.18 *Airplane categories.* (a) In this part airplanes are divided upon the

basis of their intended operation into the following categories for the purpose of certification.

(1) *Passenger transport—suffix "P".* Airplanes in this category are intended for the transport of passengers or cargo or both.

(2) *Cargo transport—Suffix "C".* Airplanes in this category are intended for the transport of cargo only.

(b) An airplane may be certificated under the requirements of a particular category or in more than one category, provided that all the requirements of such categories are met. Sections of this part which apply to only one category are identified in this part by the appropriate suffix, as indicated in paragraph (a) of this section, added to the section number. All sections not identified by a suffix are applicable to both categories except as otherwise specified.

NOTE: For rules governing the eligibility of airplanes certificated under this part for use in air carrier operations, see Parts 40, 41, 42, and 61 of this subchapter.

5. By adding a new § 4b.101 (d) to read as follows:

§ 4b.101 *Weight limitations.* * * *

(d) The maximum weights for airplanes certificated in the cargo transport category shall be those established in accordance with paragraphs (a) and (b) of this section, except that it shall be permissible to increase the weights so established by 5 percent (see also § 4b.15 (c).)

6. By changing the designation of § 4b.350 (f) to § 4b.350 (f)-P.

7. By changing the designation of § 4b.358 (b) (2) to § 4b.358 (b) (2)-P.

8. By amending § 4b.362 (c) (2) to read as follows:

§ 4b.362 *Emergency exits.* * * *

(c) *Exit arrangement.* * * *

(2) For certification of ditching provisions prescribed by § 4b.261, the following shall be shown:

(i) "P" category. That at least one emergency exit for every 16 passengers is located above the water line.

(ii) "C" category. That at least one emergency exit is located in the crew compartment above the water line.

9. By changing the designation of § 4b.644 to § 4b.644-P.

It is further proposed to issue a Special Civil Air Regulation, incorporating the provisions of Special Civil Air Regulation SR-368, with further performance operating limitations for the cargo transport category whether in scheduled or irregular carrier operations substantially as follows:

Airplanes certificated in the cargo transport category under the provisions of Part 4b shall comply with the operating limitations of §§ 42.70 through 42.78 of Part 42 of the Civil Air Regulations, except that it shall be permissible to increase by 5 percent the operating weights determined in accordance with the provisions of §§ 42.73, 42.74, 42.75, and 42.76.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in view

of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated: October 17, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 51-13525; Filed, Nov. 7, 1951;
8:50 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PHOTOGRAPHIC AND BLUEPRINTING EQUIPMENT AND SUPPLIES INDUSTRY

NOTICE OF CHANGE OF DATE AND PLACE OF HEARING ON PREVAILING MINIMUM WAGE

On October 27, 1951, notice was published in the FEDERAL REGISTER that a public hearing would be held on November 28, 1951, at 10:00 a. m. in Room 1214,

Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions, or a representative designated to preside in his place, for the purpose of determining the prevailing minimum wage in the photographic and blueprinting equipment and supplies industry pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35-45).

Notice is hereby given, that the date of the proposed hearing is changed to December 7, 1951, and the place is changed to Room 2325, Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Signed at Washington, D. C., this 2d day of November 1951.

WM. R. McCOMB,
Administrator, Wage and Hour
and Public Contracts Divisions.

[F. R. Doc. 51-13450; Filed, Nov. 7, 1951;
8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

EAST ADDITION, TOWNSHIP OF KENAI,
ALASKA

NOTICE OF SALE

NOVEMBER 1, 1951.

Notice is hereby given that the lots listed below will be offered at public sale to the highest bidder at 1:00 p. m., on Friday, December 7, 1951, in the Kenai Community Building, Kenai, Alaska. This sale is conducted under section 2381, Revised Statutes (43 U. S. C. 712).

No lot will be sold for less than the appraised price as shown below. Bids may be offered by all who may care to do so, except that no person shall acquire more than three lots. The successful bidder may make full payment at the time of sale in cash or money order or check made payable to the Treasurer of the United States or may pay one-third of the bid price down, with the remainder payable to the Manager, U. S. Land Office, Anchorage, Alaska, within ten days from the date of sale. Forfeited lots will be subject to private entry at reappraised prices.

The officer conducting the sale is authorized to reject any and all bids, to suspend, adjourn or postpone the sale of any lot or lots, and to reappraise lots at the time of sale or after the sale has been adjourned or closed. Patent for lots sold will be issued by the Bureau of Land Management, Washington, D. C., and will contain a reservation of fissionable materials. All persons are warned against violation of the provisions of 18 U. S. C. prohibiting unlawful combination or intimidation of bidders.

Following are the lots being offered for sale and the minimum acceptable bid price for each lot:

Block 1:	
Lot 1-----	\$125.00
Lots 2-8-----	200.00
Lots 9-14-----	100.00
Lot 15-----	150.00
Block 2:	
Lots 1-5-----	200.00
Lots 6-8-----	150.00
Lots 9-11-----	75.00
Lots 12-16-----	100.00
Block 3:	
Lots 1-16-----	100.00
Block 4:	
Lots 1-14-----	100.00
Block 5:	
Lot 1-----	200.00
Lots 2-6-----	100.00
Block 6:	
Lots 1-2-----	100.00
Lots 3-7-----	60.00
Lot 8-----	100.00
Block 7:	
Lot 1-----	100.00
Lots 2-3-----	60.00
Lot 4-----	40.00
Lots 5-6-----	60.00
Block 8:	
Lots 2-4-----	100.00
Lots 6-7-----	100.00

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-13422; Filed, Nov. 7, 1951;
8:45 a. m.]

ALASKA

SHORE SPACE RESTORATION ORDER NO. 468

OCTOBER 31, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section

2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

A tract of land located on Hot Spring Slough identified as U. S. Survey 2850 (containing the improvements of Gus A. Benson, Fairbanks 06850, homestead application and petition for shore space restoration) containing approximately 1.28 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m., on November 20, 1951, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from November 20, 1951, to February 18, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homestead laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 31, 1951, to November 19, 1951, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m., on November 20, 1951, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m., on February 19, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day

period from January 30, 1952, to February 18, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m., on February 19, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Fairbanks, Alaska.

HAROLD T. JORGENSEN,
Chief, Division of Land Planning.

[F. R. Doc. 51-13426; Filed, Nov. 7, 1951;
8:46 a. m.]

BOISE, IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

OCTOBER 26, 1951.

Notice is hereby given that the plat of the original survey of the following described lands, accepted September 18, 1951, will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10:00 o'clock a. m., on the 35th day after the date of this notice:

T. 17 N., R. 22 E., B. M., Idaho;
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½.

The area described aggregates 599.89 acres.

The timber in the western portion of the section consists of pine, fir, and hemlock, while in the eastern portion and along the creek bottoms the timber is scattering and consists of willow, aspen, alder, service and maple.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to

application, petition, location, or selection as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284), as amended subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations con-

tained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

PAUL A. SHEPARD,
Manager.

[F. R. Doc. 51-13427; Filed, Nov. 7, 1951;
8:46 a. m.]

[16395-59259-1646279]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

OCTOBER 31, 1951.

Notice is given that the plat of survey accepted December 4, 1950 of T. 10 S., R. 5 W., plat of survey accepted December 4, 1950 of T. 10 S., R. 6 W., plat of survey accepted December 4, 1950 of T. 10 S., R. 7 W., plat of survey accepted December 4, 1950 of T. 10 S., R. 8 W., plat of survey accepted October 5, 1950 of T. 39 N., R. 3 W., and the plat of survey accepted February 14, 1951, of Secs. 3 and 10, T. 5 S., R. 29 E., G. & S. R. M., Arizona, including lands hereinafter described, will be officially filed in the Land and Survey Office at Phoenix, Arizona, effective at 10:00 a. m., on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 10 S., R. 5 W.,
All Secs. 1 to 36 inclusive.
T. 10 S., R. 6 W.,
All Secs. 1 to 36 inclusive.
T. 10 S., R. 7 W.,
All Secs. 1 to 36 inclusive.
T. 10 S., R. 8 W.,
All Secs. 1 to 36 inclusive.
T. 39 N., R. 3 W.,
All Secs. 1 to 36 inclusive.
T. 5 S., R. 29 E.,
All Secs. 3 and 10, inclusive.

The area described, including both public and non-public lands, aggregate 117,415.19 acres.

All T. 10 S., R. 5 W., T. 10 S., R. 6 W., T. 10 S., R. 7 W., and T. 10 S., R. 8 W., were, by Executive Order No. 8892 of September 5, 1941, reserved for the use of the War Department as an aerial gunnery range; therefore, these lands are not public lands subject to disposition under the general public land laws.

All Sec. 10 within one mile of the San Francisco and Gila Rivers, T. 5 S., R. 29 E., was by Power Site Withdrawal 759, of November 22, 1924, withdrawn for reservoir and power purposes from entry, location, sale or settlement; therefore, these lands are not public lands subject to disposition under the general public land laws.

No applications for the remainder of these lands, All Sec. 3, T. 5 S., R. 29 E., All that part of Sec. 10, T. 5 S., R. 29 E., located more than one mile from the San Francisco and Gila Rivers, and All Secs. 1 to 36 inclusive, T. 39 N., R. 3 W., G. & S. R. M., may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classi-

fied as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

Available data indicates that the land is desert and mountainous in character.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey

Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 165 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,
Manager.

[F. R. Doc. 51-13428; Filed, Nov. 7, 1951;
8:46 a. m.]

ALASKA

SHORE SPACE RESTORATION ORDER NO. 467

OCTOBER 31, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

A tract of land bordering on Cook Inlet, Alaska, and near the mouth of Polly Creek in approximate latitude 60°16'09" north, longitude 152°30'00" west, more particularly described as follows: Starting at the No. 2 corner of U. S. Survey No. 2369 on the west shore of Cook Inlet at the mouth of Polly Creek; thence south 57°42' west 2,640 feet to corner No. 2, thence south 32°18' east to the intersection with the line of mean high water; thence in a northeasterly direction along the line of mean high water to a point south 32°18' east a distance of 1,620 feet from the true point of beginning; and thence north 32°18' west 1,620 feet to point of beginning. (Homestead settlement claim and petition for shore space restoration of Henry William Swiss, Anchorage 018043) containing approximately 93 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m., on November 20, 1951, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days

from November 20, 1951, to February 18, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 31, 1951, to November 19, 1951, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on November 20, 1951, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m., on February 19, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from January 30, 1952, to February 18, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m., on February 19, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the

regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Anchorage, Alaska.

HAROLD T. JORGENSEN,
Chief, Division of Land Planning.

[F. R. Doc. 51-13423; Filed, Nov. 7, 1951;
8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Amco Apparel Co., Norvelt, Pa., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force (women's apparel and outerwear).

B. Bennett Co., Inc., 123 Magazine Street, New Orleans 12, La., effective 10-26-51 to 10-25-52; 10 percent of the productive factory force (work and semi-dress pants, work and sport shirts).

Blue Gem Manufacturing Plant, Ashboro, N. C., effective 10-24-51 to 10-23-52; etc. 10 percent of the productive factory force (denim dungarees).

Blue Ridge Manufacturers, Inc., Pine and Brown Streets, Petersburg, Va., effective 10-23-51 to 10-22-52; 10 percent of the productive factory force (dungarees).

Boonville Manufacturing Co., 302-316 North Second Street, Boonville, Ind., effective 10-22-51 to 10-21-52; not to exceed 10 percent of the total number of productive factory workers engaged in the production of pajamas (pajamas).

H. W. Carter & Sons, Lebanon, N. H., effective 10-26-51 to 10-25-52; 10 learners (workwear and sportswear).

Carteret Shirts, Inc., 652 Roosevelt Avenue, Carteret, N. J., effective 11-2-51 to 11-1-52;

10 percent of the productive factory force (men's dress and sport shirts).

Cluett, Peabody & Co., Inc., Leominster, Mass., effective 10-31-51 to 10-30-52; 10 percent of the productive factory force (fancy shirts).

Cluett, Peabody & Co., Inc., 433 River Street, Troy, N. Y., effective 10-25-51 to 10-24-52; 10 percent of the productive factory force. This certificate authorizes the employment of learners at subminimum wage rates in the production of shirts only (fancy shirts, neckties and handkerchiefs).

W. M. Finck & Co., Zanesville, Ohio, effective 10-25-51 to 10-24-52; 10 percent of the productive factory force (coveralls, denim pants, work shirts).

Forest City Manufacturing Co., Freeburg, Ill., effective 10-24-51 to 10-23-52; 10 learners (juniors' and women's dresses).

Forest City Manufacturing Co., Ziegler, Ill., effective 10-25-51 to 10-24-52; 10 learners (juniors' and misses' dresses).

Forest City Manufacturing Co., Ziegler, Ill., effective 10-25-51 to 4-24-52; 10 learners for expansion (juniors' and misses' dresses).

Formald Co., 31 Beach Street, Boston, Mass., effective 10-26-51 to 10-25-52; 10 percent of the productive factory force or 10 learners, whichever is greater (brassieres).

General Knitwear Corp., 1356 Locust Street, Terre Haute, Ind., effective 10-22-51 to 4-21-52; five learners (polo shirts).

Gross Galesburg Co., 152 East Ferris Street, Galesburg, Ill., effective 10-20-51 to 10-19-52; 10 learners (men's and boys' overalls).

Heavy Duty Manufacturing Co., Gainesboro, Tenn., effective 10-26-51 to 10-25-52; 10 percent of the productive factory force (work shirts).

Holston Manufacturing Corp., Marion, Va., effective 10-18-51 to 10-17-52; 10 percent of the productive factory force (women's woven cotton and rayon slips) (replacement certificate).

Honey Bee Blouse, Branchdale, Pa., effective 10-26-51 to 10-25-52; 10 learners (blouses).

Hubrite Informal Frocks, Inc., 791 Tremont St., Boston, Mass., effective 10-22-51 to 10-21-52; 10 percent of the productive factory force (dresses).

S. H. Knopf Manufacturing Co., 470 Atlantic Avenue, Boston, Mass., effective 10-26-51 to 10-25-52; 10 percent of the productive factory force (sportswear, leather and sheep-lined garments, etc.).

Maiden Form Brassiere Co., Inc., 2311 Adams Avenue, Huntington, W. Va., effective 11-15-51 to 11-14-52; 10 percent of the productive factory force (brassieres).

H. B. Mennig, Inc., 86 Ellicott Street, Buffalo, N. Y., effective 10-23-51 to 10-22-52; four learners (housecoats, brunchcoats, dresses).

Newport Mill, Inc., 82 Union Street, Newport, Vt., effective 10-25-51 to 10-24-52; five learners (children's blouses).

Niagara Apparel Co., Inc., 77 Swan Street, Buffalo, N. Y., effective 11-1-51 to 10-31-52; 10 percent of the productive factory force (children's outerwear, pants and shirts).

North Shore Manufacturing Co., 326 West Michigan Street, Duluth, Minn., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force (snowsuits, jackets, storm coats, infants' wear).

Norway Needlecraft Corp., Norway, Mich., effective 10-24-51 to 10-23-52; 10 learners (ladies' woven slips).

Pacific Play Togs, Inc., 945 South Los Angeles Street, Los Angeles 15, Calif., effective 10-25-51 to 10-24-52; 10 percent of the productive factory force (ladies' and girls' denim slacks, shorts and pedal pushers).

Paulsboro Dress Co., Inc., Delaware and Gill Streets, Paulsboro, N. J., effective 10-23-51 to 10-22-52; 10 percent of the productive factory force or 10 learners, whichever is greater (ladies' dresses).

Peerless Mills, 516 Iron Street, Lehigh, Pa., effective 10-26-51 to 10-25-52; 10 percent of the productive factory force (ladies' house dresses).

Perri-Mode, 11 Avon Street, Portland 3, Maine, effective 10-22-51 to 10-21-52; five learners (dresses).

The R & R Manufacturing Co., 195 Sixth Avenue, Auburn, Ga., effective 10-22-51 to 10-21-52; 10 percent of the productive factory force (men's and boys' trousers).

Reliance Manufacturing Co., Loogootee, Ind., effective 11-1-51 to 10-31-52; 10 percent of the productive factory force (men's and boys' dress shirts).

Rice Stix Factory No. 10, Bonne Terre, Mo., effective 11-1-51 to 10-31-52; 10 percent of the productive factory force (sport and dress shirts).

Rice Stix Factory No. 3, Blytheville, Ark., effective 10-26-51 to 10-25-52; 10 percent of the productive factory force (pajamas and sport shirts).

The Salem Co., Inc., Jania and Lomond Avenues, Winston Salem, N. C., effective 10-26-51 to 10-25-52; 10 percent of the productive factory force (denim dungarees).

Sprite Manufacturing Co., East Broad and Patterson Streets, Tamaqua, Pa., effective 11-1-51 to 10-31-52; 10 learners (women's underwear).

Vanderbilt Shirt Co., Inc., 29½ Broadway, Asheville, N. C., effective 10-23-51 to 10-22-52; 10 percent of the productive factory force or 10 learners, whichever is greater (men's and boys' sport shirts).

Walterboro Manufacturing Corp., Sanders Street, Walterboro, S. C., effective 10-25-51 to 10-24-52; 10 percent of the productive factory force (ladies' cotton wash dresses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

The Boss Manufacturing Co., Breckenridge, Tex., effective 10-25-51 to 10-24-52; 10 learners (work gloves).

The Boss Manufacturing Co., Cisco, Tex., effective 10-25-51 to 10-24-52; 10 learners (work gloves).

Star Glove Co., Kokomo, Ind., effective 10-29-51 to 10-28-52; six learners (cotton work gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Grenada Industries, Inc., Hoffa Street, Grenada, Miss., effective 10-26-51 to 6-25-52; 40 learners for expansion (supplemental certificate).

Sara Lee Mills, Inc., Fort Payne, Ala., effective 10-25-51 to 10-24-52; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

The Amery Telephone Co., Amery, Wis., effective 10-22-51 to 10-21-52.

Home Telephone Co., Smithfield, Va., effective 11-7-51 to 11-6-52.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Boonville Manufacturing Corp., Boonville, Ind., effective 10-22-51 to 10-21-52; 5 percent of the productive factory force engaged in the production of shorts and union suits (men's woven underwear).

Kessler Undies & Woolies Co., 145 Main St., Wayland, Mich., effective 10-24-51 to 10-23-52; four learners (infants' and children's knit underwear).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mount Carmel, Pa., effective 10-25-51 to 10-24-52; 5 percent of

the productive factory force (ladies' knitted underwear).

Sprite Manufacturing Co., East Broad and Patterson Streets, Tamaqua, Pa., effective 11-1-51 to 10-31-52; five learners (woven underwear, men's).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Bay-Bee Shoe Co., Dresden, Tenn., effective 10-25-51 to 10-24-52; 10 percent of the productive factory force.

L. E. Beaudin Shoe Co., Factory Street, Hanover, Pa., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

Belleville Shoe Manufacturing Co., Main and Walnut Streets, Belleville, Ill., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

F. Brown Shoe Co., Inc., 514 North Twelfth Street, Allentown, Pa., effective 10-26-51 to 10-25-52; 10 percent of the productive factory force.

Casey Manufacturing Co., Casey, Ill., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

The Irving Drew Corp., Forest Rose and Mulberry, Lancaster, Ohio, 10 percent of the productive factory force, effective 10-24-51 to 10-23-52.

Ettelbrick Shoe Co., Sole Department, Casey, Ill., effective 10-24-51 to 10-23-52; five learners.

Greenup Manufacturing Co., Greenup, Ill., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

International Shoe Co., Anna, Ill., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

International Shoe Co., Batesville, Ark., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

International Shoe Co., Russellville, Ark., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

International Shoe Co., Steeleville, Ill., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

Kessler Shoe Manufacturing Co., Inc., 16 West Main Street, Westminster, Md., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force or six learners, whichever is greater.

E. C. Livingston, Inc., 11 North Water Street, New Oxford, Pa., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

Manistee Shoe Mfg. Co., 50 Filler St., Manistee, Mich., effective 10-31-51 to 10-30-52; 10 percent of the productive factory force.

Virginia Shoe Co., Inc., Fredericksburg, Va., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

J. S. Zulick & Co., South Warren, Orwigsburg, Pa., effective 10-24-51 to 10-23-52; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Capeville Lumber Co., Capeville, Va., effective 10-24-51 to 4-23-52; five learners; machine operators, 240 hours at 60 cents per hour (produce packages).

The following special learner certificates were issued to the school-operated industries listed below:

Atlantic Union College, South Lancaster, Mass., effective 9-16-51 to 8-31-52; 28 learners; print shop; compositor, pressman, bindery worker and related skilled and semi-skilled occupations; 350 hours at 65 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; bookbinder, bindery worker and related skilled and semi-skilled occupations; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour; 34 learners.

Adelphian Academy, Holly, Mich., effective 9-3-51 to 8-31-52; 30 learners; woodwork shop; machine operator, assembler and related skilled and semi-skilled occupations; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour; 250 hours at 70 cents per hour.

Campion Academy, Loveland, Colo., effective 9-16-51 to 8-31-52; 7 learners; print shop; compositor, pressman, bindery worker, and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; broom shop; broom maker, stitcher, sorter, binder, and related skilled and semi-skilled occupations; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour; 12 learners.

Cedar Lake Academy, Cedar Lake, Mich., effective 9-16-51 to 8-31-52; 25 learners; woodwork shop; assembler, machine operator, clerk and related skilled and semi-skilled occupations; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour.

Enterprise Academy, Enterprise, Kans., effective 9-16-51 to 8-31-52; four learners; print shop; compositor, pressman and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour.

Hawaiian Mission Academy, Honolulu, T. H., effective 9-5-51 to 8-31-52; 12 learners; print shop; compositor, pressman and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; laundry; laundry worker (semi-skilled occupations only); four learners; 100 hours at 55 cents per hour, 100 hours at 60 cents per hour, 100 hours at 70 cents per hour; clerical; typist, bookkeeper and related skilled and semi-skilled occupations; four learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

La Sierra College, Arlington, Calif., effective 9-16-51 to 8-31-52; five learners; print shop; pressman, compositor, linotype operator, and related skilled and semi-skilled occupations; 675 hours at 65 cents per hour, 325 hours at 70 cents per hour.

Lodi Academy, 1215 South Garfield Street, Lodi, Calif., effective 9-3-51 to 8-31-52; three learners; print shop; compositor, pressman and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour.

Madison College, Madison College, Tenn., effective 9-16-51 to 8-31-52; 13 learners; food manufacturing; skilled and semi-skilled occupations in food manufacturing including clerk and fireman and repairman in steam plant; 100 hours at 55 cents per hour, 100 hours at 60 cents per hour, 100 hours at 70 cents per hour; print shop; three learners; compositor, pressman and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour.

Maplewood Academy, Hutchinson, Minn., effective 9-16-51 to 8-31-52; 6 learners; print shop; pressman, compositor and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; woodwork shop; 12 learners; assembler, sawyer, machine operator and related skilled and semi-skilled occupations; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour; bookbinder, bindery worker and related skilled and semi-skilled occupations; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour; clerical; 5 learners; typist, bookkeeper and related skilled and semi-skilled occupations; 200 hours at 55

cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Mount Vernon Academy, Mount Vernon, Ohio, effective 9-16-51 to 8-31-52; 10 learners; print shop; compositor, pressman and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour.

Oak Park Academy, Nevada, Iowa, effective 9-16-51 to 8-31-52; eight learners; broom shop; broom maker (winder), stitcher, sorter and related skilled and semi-skilled occupations; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour; 125 hours at 70 cents per hour; print shop; five learners; compositor, pressman and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour.

Ozark Academy, Route 2, Gentry, Ark., effective 9-3-51 to 8-31-52; 15 learners; broom shop; winder, stitcher, sorter, painter and related skilled and semi-skilled occupations; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour; venetian blind shop; 5 learners; rail cutter, and machine operator, spray painter, slat, tape and cord cutter, installer and related skilled and semi-skilled occupations; 200 hours at 55 cents per hour, 150 hours at 60 cents per hour, 150 hours at 70 cents per hour.

Pacific Union College, Angwin, Napa County, Calif., effective 9-16-51 to 8-31-52; 12 learners; print shop; pressman, compositor, lithographer, bindery worker, clerk and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; bookbinding; 6 learners; bookbinder, including sewer, gold stamper, trimmer and backer, cutter, case maker and related skilled and semi-skilled occupations; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Plainview Academy, Redfield, S. Dak., effective 9-3-51 to 8-31-52; nine learners; broom shop; broom makers and related skilled and semi-skilled occupations; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour.

Southern Missionary College, Collegedale, Tenn., effective 9-16-51 to 8-31-52; 30 learners; print shop; compositor, pressman and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; broom shop; 24 learners; broom maker, sorter, winder, stitcher and related skilled and semi-skilled occupations; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour; woodwork shop; 50 learners; machine operator, kiln worker, assembler, finisher and other related skilled and semi-skilled occupations; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour; clerical work; 15 learners; typist, stenographer and related skilled and semi-skilled occupations; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Southwestern Junior College, Keene, Tex., effective 9-16-51 to 8-31-52; 35 learners; woodwork shop; assembler, machine operator, painter, clerk and related skilled and semi-skilled occupations; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour; chenille shop; 10 learners; sewing machine operators and related skilled and semi-skilled occupations; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour; print shop; 6 learners; compositor, pressman, bindery worker and related skilled and semi-skilled occupations; 350 hours at 55 cents per hour, 325 hours

at 60 cents per hour, 325 hours at 70 cents per hour; clerical work; 8 learners; typist, file clerk, bookkeeper, stenographer, timekeeper, and other related skilled and semiskilled occupations; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour; bindery shop; 10 learners; bookbinder, caser, stamper, sewer and related skilled and semiskilled occupations; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Spanish-American Seminary, Sandoval, N. Mex., effective 9-14-51 to 8-31-52; 30 learners; broom shop; broom maker (winder), sorter, stitcher, and related skilled and semiskilled occupations; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour; laundry; laundry worker (semiskilled occupations only); 6 learners; 100 hours at 55 cents per hour, 100 hours at 60 cents per hour, 100 hours at 70 cents per hour.

Sunnyvale Academy, P. O. Box 209, Centra, Mo., effective 9-16-51 to 8-31-52; 25 learners; food manufacturing; food manufacturing, semiskilled occupations only; 100 hours at 55 cents per hour, 100 hours at 60 cents per hour, 100 hours at 70 cents per hour.

Union College, Lincoln, Nebr., effective 9-16-51 to 8-31-52; 6 learners; print shop; compositor, pressman and related skilled and semiskilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour; 325 hours at 70 cents per hour; book binding shop; 10 learners, book binding, bindery worker, and related skilled and semiskilled occupations; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour; broom shop; 8 learners; broom maker and related skilled and semiskilled occupations; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour; furniture shop; 25 learners; furniture maker, furniture finisher and related skilled and semiskilled occupations; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour; clerical; 5 learners; bookkeeper, file clerk, business machine operator, and related skilled and semiskilled occupations; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Walla Walla College, Drawer 1, College Place, Wash., effective 9-16-51 to 8-31-52; 10 learners; print shop; compositor, pressman, bindery worker and related skilled and semiskilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; bookbinding; 25 learners; preparation for bind, sewing, forwarding, finishing and related skilled and semiskilled occupations; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Washington Missionary College, Takoma, Park, Washington 12, D. C., effective 9-16-51 to 8-31-52; 10 learners; print shop; pressman, compositor, linotype operator, bindery worker, clerk and related skilled and semiskilled occupations; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; woodwork shop; 5 learners; machine operator, assembler and related skilled and semiskilled occupations; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated respectively.

Miriam Cates of Puerto Rico, Inc., 611 Carpenter Road, Santurce, P. R., effective 10-22-51 to 4-21-52; eight learners; machine-sewing operators, 240 hours at 25 cents per hour (brassiere pads).

Pan American Plastic Corp., Insular Road, Rio Piedras, P. R., effective 10-22-51 to 4-21-52; 17 learners; injection molders relief operators, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour, 320 hours at 40 cents per hour; packers and inspectors, 160 hours at 30 cents per hour, 160 hours at 35 cents per hour, 160 hours at 40 cents per hour (plastic articles).

Univis Optical Corp., Guayama, P. R., effective 10-22-51 to 3-11-52; 63 learners; grinders, 480 hours at 35 cents per hour, polishers, 480 hours at 34 cents per hour, inspectors, 480 hours at 34 cents per hour, assemblers, 540 hours at 34 cents per hour, blockers, 160 hours at 34 cents per hour, generator operators, 160 hours at 34 cents per hour, ophthalmic lenses).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 30th day of October 1951.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 51-13429; Filed, Nov. 7, 1951;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26538]

OLEOMARGARINE AND CHEESE FROM AND TO
POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1275.

Commodities involved: Cheese and oleomargarine, carloads.

From: Specified points in southern territory.

To: Destinations in southern territory.

Grounds for relief: Rail competition, circuitry, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1275.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-13435; Filed, Nov. 7, 1951;
8:49 a. m.]

UNITED STATES TARIFF COMMISSION

MARASCHINO CHERRY AND GLACE FRUIT
ASSN.

NOTICE OF INVESTIGATION

Upon application made October 26, 1951, by the Maraschino Cherry and Glace Fruit Association, the United States Tariff Commission on the 31st day of October 1951, under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are as a result, in whole or in part, of the duty or other customs treatment reflecting the concessions granted on such products under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930: Description of product
Par. 737 (4) ----- Cherries, candied,
crystallized, or
glace.

Inspection of application. The application (except for confidential information) is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets N. W., Washington, D. C., and in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 31st day of October 1951.

[SEAL]

DONN N. BENT,
Secretary.

[F. R. Doc. 51-13436; Filed, Nov. 7, 1951;
8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 38, Amdt. 1]

PHILLIPS-JONES CORP.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 38, issued under section 43 of Ceiling Price Regulation 7 to Phillips-Jones Corporation, adds new price lines to those for which ceiling prices at retail were established by the special order. The retail ceiling prices for some of its branded articles are fixed in relation to costs falling within specified cost brackets. Such cost brackets in place of cost lines for certain of the price lines will allow for minor changes in cost without influencing the general level of retail prices for the articles covered by the special order.

The Director has determined on the basis of information available to him, that the retail ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

This amendment also extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inability to preticket in the manner set forth in the special order by the date specified. In addition, this amendment lists the applicant's selling prices and the retail ceiling prices for the articles which were established by the special order but which were not listed in the special order.

Amendatory provisions. Special Order 38 under Ceiling Price Regulation 7, section 43 is amended in the following respects:

1. Delete paragraph 1 and substitute therefor the following:

1. The following ceiling prices are established for sales after the effective date of the special order by any seller at retail of men's shirts, sport shirts, neckwear, pajamas, handkerchiefs; men's tie and handkerchief combinations and necktie, handkerchief and boutonniere combinations manufactured for and by Phillips-Jones Corporation having the brand name "Van Heusen" and described in the manufacturer's application dated March 14, 1951, as supplemented and amended by the manufacturer's application dated June 29, 1951. The manufacturer's prices listed below are subject to a discount of 3/10 E. O. M.

MEN'S STAPLE SHIRTS

Manufacturer's selling price (per dozen):	Ceiling prices at retail (per unit)
\$25.50	\$3.50
\$28.50 through \$29.75	3.95
\$31.25 through \$32.50	4.50
\$36.00	4.95
\$42.00	5.95

MEN'S FANCY AND SEMISTAPLE SHIRTS

\$22.50	\$2.95
\$26.75	3.65
\$28.50 through \$29.75	3.95
\$31.50 through \$32.50	4.50

MEN'S FANCY AND SEMISTAPLE SHIRTS—CON.

Manufacturer's selling price (per dozen):	Ceiling prices at retail (per unit)
\$36.00	\$4.95
\$45.00	6.50
\$54.00	7.50
\$69.00	8.95

MEN'S PAJAMAS

\$14.50	\$1.95
\$21.50	2.95
\$26.75	3.65
\$29.75	3.95
\$32.75	4.50
\$36.00	4.95
\$39.00	5.50
\$42.00	5.95
\$43.00	6.95
\$57.50	7.95

MEN'S FABRIC SPORT SHIRTS

\$22.50	\$2.95
\$26.75	3.65
\$28.50	3.95
\$32.50	4.50
\$36.00	4.95
\$39.00	5.50
\$42.00	5.95
\$45.00	6.50
\$48.00	6.95
\$54.00	7.50
\$57.50	7.95
\$61.00	8.50
\$66.00	8.95
\$72.00	9.95

MEN'S KNITTED SPORT SHIRTS

\$9.00	\$1.25
\$10.50	1.50
\$12.00	1.65
\$14.75	1.95
\$18.00	2.50
\$21.50 through \$22.50	2.95
\$24.00	3.50
\$28.50	3.95
\$32.50	4.50
\$36.00	4.95
\$42.00	5.95
\$45.00	6.50
\$48.00	6.95
\$66.00	8.95

MEN'S NECKWEAR

\$7.00	\$1.00
\$10.25	1.50
\$14.00	2.00
\$16.75	2.50

MEN'S HANDKERCHIEFS

\$1.85	\$0.25 ea
	4 for \$1.00
\$2.40 through \$2.50	.35 ea.
	3 for \$1.00
\$3.00	.45 ea.
	3 for \$1.25
\$3.60	.50 ea.
\$3.75	.55 ea.
\$4.65	.65 ea.
	3 for \$1.95
\$4.80	3 for \$2.00
\$6.00	3 for \$2.50
\$7.20	1.00
\$10.50	1.50

MEN'S TIE AND HANDKERCHIEF COMBINATIONS

\$12.50	\$1.75
\$14.50	1.95

MEN'S TIE, HANDKERCHIEF AND BOUTONNIERE COMBINATIONS

\$14.50	\$1.95
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2. In paragraph 3 of the special order delete the date "June 28, 1951," and substitute therefor the date "December 7, 1951".

3. In paragraph 3 of the special order delete the date "July 28, 1951," wherever it appears, and substitute therefor the date "January 7, 1952."

4. Delete paragraph 4 and substitute therefor the following:

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto issued prior to the date of delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

Effective date. This amendment shall become effective on November 1, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13358; Filed, Nov. 1, 1951;
4:44 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 77, Amdt. 1]

SWANK, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 77, under section 43 of Ceiling Price Regulation 7, issued on June 21, 1951, established ceiling prices for sales at retail of men's belts, wallets, wallet inserts, secretaries, slim bill folds, key cases, comb and file sets, and manicure sets manufactured by Swank, Inc., Attleboro, Massachusetts. The special order required the manufacturer to mark each article listed in the special order with the retail ceiling price fixed under the special order or to attach to each article a label, tag or ticket, stating the retail ceiling price. Applicant was required to comply with this preticketing provision on and after July 23, 1951.

Swank, Inc. has filed an application for an extension of time in which to meet this preticketing requirement. The application points out that the applicant has a large number of items covered by the special order. These items are packaged and individually labeled with the retail price established by the special order, but they do not carry the exact phraseology required by the special order. To require the applicant to open each box, take out the merchandise, remove old price labels, and affix new labels would create undue hardship both by way of time and expense.

Under the special circumstances set forth by the applicant, the Director has determined that the requested amendment should be granted.

In addition, this amendment lists the manufacturer's selling prices and the

retail ceiling prices for the articles which were established by the special order but which were not listed in the special order.

Amendatory provisions. Special Order 77 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete paragraph 1 from the special order and substitute therefor the following:

1. (a). The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's belts, wallets, wallet inserts, secretaries, slim bill folds, key cases, comb and file sets, and manicure sets manufactured by Swank, Inc., Attleboro, Massachusetts, having the brand name "Swank" and described in the manufacturer's application dated March 27, 1951. The manufacturer's prices listed below carry terms of 2/10 E. O. M.

BELTS	
Manufacturer's ceiling price (per unit):	Ceiling prices at retail (per unit)
\$0.875.....	\$1.50
\$1.125 through \$1.167.....	1.95
\$1.416 through \$1.458.....	2.50
\$1.75.....	2.95
\$2.00.....	3.50
\$2.354.....	3.95
\$2.70.....	4.50
\$2.875.....	4.95
\$3.00.....	10.00
\$7.50.....	12.50

WALLETS AND OTHER LEATHER NOVELTIES	
\$0.146.....	\$0.25
\$0.292.....	0.50
\$0.90.....	1.50
\$1.166.....	1.95
\$1.50.....	2.50
\$1.75.....	2.95
\$2.00.....	3.50
\$2.354.....	3.95
\$2.75.....	4.95
\$3.125.....	5.95
\$3.75.....	7.50
\$4.00.....	7.95
\$5.00.....	10.00
\$6.00.....	10.95
\$6.25.....	12.50
\$6.50.....	12.95
\$7.50.....	15.00
\$9.25.....	18.50
\$10.00.....	20.00
\$11.25.....	22.50
\$12.50.....	25.00

(b) Men's belts having the style numbers 0486-5420 through 0486-5424 in the manufacturer's application dated March 27, 1951, so long as they have a manufacturer's selling price of \$1.166 per unit, shall have a ceiling price at retail of \$2.00 per unit. This price carries terms to all classes of trade of 2/10 E. O. M.

2. Delete paragraph 3 from the special order and substitute therefor the following:

3 (a). Prior to February 4, 1952, Swank, Inc. must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket, stating the retail ceiling price.

(b). Prior to March 4, 1952, no retailer may offer or sell the article unless it is marked or tagged with the retail ceiling price under this order.

No. 218—11

(c). On and after February 4, 1952, Swank, Inc. must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket, stating the retail ceiling price. The statement "OPS—Sec. 43—CPR 7" must appear on the mark, label, tag or ticket. On and after March 4, 1952, no retailer may offer or sell the article unless it is marked or tagged in this form.

(d). Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Swank, Inc. must comply, as to each such article, with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. Prior to 90 days from the effective date, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order. After the expiration of the 90-day period, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph.

3. Delete paragraph 4 from the special order and substitute therefor the following:

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order and shall be accompanied by copies of each amendment thereto issued prior to the date of the delivery.

Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article, the sale of which is affected in any manner by the amendment.

Effective date. This amendment shall become effective November 1, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13357; Filed, Nov. 1, 1951; 4:43 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 109]

SALMANSON AND CO., INC.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 109 under section 43, Ceiling Price

Regulation 7, effective June 29, 1951, issued to Salmons and Co., Inc., 1107 Broadway, New York 10, New York, covering unpainted furniture having the brand name(s) "Aristo-Bilt" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2/10 Net 30 F. O. B. Trenton, N. J.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$2.50.....	\$4.50
\$4.75.....	8.50
\$5.15.....	9.50
\$5.50 through \$5.75.....	9.95
\$6.25 through \$6.50.....	11.50
\$7.35 through \$7.50.....	13.50
\$7.75.....	13.95
\$8.50.....	14.95
\$8.90.....	15.95
\$9.75.....	17.95
\$10.25.....	18.50
\$10.40.....	18.95
\$10.75 through \$10.95.....	19.95
\$11.10 through \$11.60.....	20.95
\$11.95.....	21.95
\$12.50.....	22.95
\$13.25.....	23.95
\$14.10.....	25.95
\$14.95.....	26.95
\$15.25.....	27.95
\$17.95.....	31.95
\$18.50 through \$18.95.....	32.95
\$21.95.....	39.95
\$22.95.....	40.95
\$29.25 through \$29.95.....	52.95

¹ Bookcase having style number 726 in the manufacturer's application dated March 30, 1951, so long as it has a manufacturer's selling price of \$6.50 per unit, shall have a ceiling price at retail of \$11.95 per unit, and the manufacturer's selling price shall carry terms of 2/10 Net 30 F. O. B., Trenton, New Jersey.

² Bookcase having style number 732 in the manufacturer's application dated March 30, 1951, so long as it has a manufacturer's selling price of \$7.50 per unit, shall have a ceiling price at retail of \$13.95 per unit, and the manufacturer's selling price shall carry terms of 2/10 Net 30 F. O. B., Trenton, New Jersey.

³ Bookcase having style number 932 in the manufacturer's application dated March 30, 1951, so long as it has a manufacturer's selling price of \$8.50 per unit, shall have a ceiling price at retail of \$15.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 Net 30 F. O. B., Trenton, New Jersey.

⁴ Credenza having style number 943 in the manufacturer's application dated March 30, 1951, so long as it has a manufacturer's selling price of \$14.95 per unit, shall have a ceiling price at retail of \$27.95 per unit, and the manufacturer's selling price shall carry terms of 2/10 Net 30 F. O. B., Trenton, New Jersey.

⁵ Bookcase having style number 1644 in the manufacturer's application dated March 30, 1951, so long as it has a manufacturer's selling price of \$18.50 per unit, shall have a ceiling price at retail of \$33.95 per unit, and the manufacturer's selling price shall carry terms of 2/10 Net 30 F. O. B., Trenton, New Jersey.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13353; Filed, Nov. 1, 1951; 4:42 p. m.]

[Ceiling Price Regulation 7, Section 43, Appendix to Special Order 217]

KROEHLER MFG. CO.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 217 under section 43, Ceiling Price Regulation 7, effective August 4, 1951, issued to Kroehler Manufacturing Company, 222 Fifth Avenue, Naperville, Illinois, covering upholstered living room furniture having the brand name(s) "Kroehler" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: Trade 10 percent—Cash 2 percent.

2 PC. SUITE		Ceiling prices at retail
Manufacturer's selling price:		(per unit)
\$106.25-\$109.40	-----	\$179.50
\$116.75-\$119.90	-----	199.50
\$134.45-\$140.00	-----	239.50
\$144.95-\$150.50	-----	259.50
3 PC. SUITE		Ceiling prices at retail
Manufacturer's selling price:		(per unit)
\$148.85-\$153.25	-----	249.50
\$163.10-\$167.50	-----	279.50
\$187.50-\$195.25	-----	329.50
\$201.75-\$209.50	-----	359.50

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13367; Filed, Nov. 1, 1951; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Appendix to Special Order 246]

CAPITOL BEDDING CO.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 246 under section 43, Ceiling Price Regulation 7, effective August 4, 1951, issued to Capitol Bedding Co., 14th and Howard Sts., Harrisburg, Pa. covering mattresses and box springs having the brand names "Serta Serta-foam," "Serta Serta-rest," "Serta Restal Knight," "Serta Perfect Sleeper," "Serta Perfect Sleeper Orthopedic," "Serta Perfect Sleeper DeLuxe," and "Serta Perfect Sleeper Supreme," lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 10 Days Net 30.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$26.00-\$28.00	----- \$49.50
\$32.75	----- 59.50
\$35.75	----- 69.50
\$49.50	----- 89.50
\$89.75	----- 169.50

¹ Mattress and box springs having the brand name Perfect Sleeper Orthopedic in the manufacturer's application dated March 30, 1951, so long as it has a manufacturer's selling price of \$35.75 per unit, shall have a ceiling price at retail of \$79.50 per unit, and

the manufacturer's selling price shall carry terms of 2 percent 10 days Net 30.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13366; Filed, Nov. 1, 1951; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Appendix to Special Order 270]

SEALY MATTRESS CO.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 270 under section 43, Ceiling Price Regulation 7, effective August 7, 1951, issued to Sealy Mattress Company, 79 Benedict Street, Waterbury, Connecticut, covering mattresses and box springs having the brand name(s) "Sealy Sleep Charm", "Sealy Dreamer", "Sealy Park Lane", "Sealy Good Housekeeper", "Sealy Air Vent", "Sealy Natural Rest", "Sealy Rest", "Sealy Cotton Boll", "Sealy Sunspun", "Sealy Orthopedic Firm-o-Rest", "Sealy Supreme", "Sealy Foamspun", "Sealy Foamspun Deluxe", "Sealy Junior Posturpedic" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 30 days, net 60 days.

In quantity of 1 to 11	In quantity of 12 to 23	In quantity of 24 or more	P. M.	Retail
\$23.50	-----	-----	-----	\$39.50
\$25.25	-----	-----	\$0.50	44.50
\$28.25	\$27.75	\$27.25	.75	49.50
\$32.75	\$32.25	\$31.75	1.00	59.50
\$38.00	\$37.50	\$37.00	1.50	69.50
\$41.75	\$41.25	\$40.75	2.00	79.50
\$43.75	\$43.25	\$42.75	2.00	79.50
\$45.50	\$45 through \$47.	\$44.50 through \$46.50.	2.50	89.50
\$80.75	-----	-----	3.00	149.50
\$94.75	-----	-----	4.00	164.50

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13350; Filed, Nov. 1, 1951; 4:41 p. m.]

[Ceiling Price Regulation 7, Section 43, Appendix to Special Order 301]

UNITED MILLS CORP.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 301 under section 43, Ceiling Price Regulation 7, effective August 8, 1951, issued to United Mills Corporation, Mt. Gilead, North Carolina covering bras-lips having the brand name(s) "Gilead" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 8/10 E. O. M.

Manufacturer's selling price (per dozen):	Ceiling prices at retail (per unit)
\$38.00	----- \$4.95
\$60.00	----- 7.95

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13338; Filed, Nov. 1, 1951; 4:39 p. m.]

[Ceiling Price Regulation 7, Section 43, Appendix to Special Order 302]

SHANNON MFG. CO.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 302 under section 43, Ceiling Price Regulation 7, effective August 8, 1951, issued to Shannon Manufacturing Co., 426 So. Spring St., Los Angeles 13, California, covering garter belts, having the brand name(s) "Mary Jane" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 8/10 E. O. M.

Manufacturer's selling price (per dozen):	Ceiling prices at retail (per unit)
\$13.80	----- \$2.00

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13337; Filed, Nov. 1, 1951; 4:39 p. m.]

[Ceiling Price Regulation 7, Section 43, Appendix to Special Order 303]

WEAVER PRES-KLOTH CO.

CEILING PRICES AT RETAIL

The following appendix to Special Order 303 under section 43, Ceiling Price Regulation 7, effective August 8, 1951, issued to Weaver Pres-Kloth Company, 4426 Florence Blvd., Omaha 11, Nebraska, covering chemically treated pressing cloths and pressing pads having the brand name(s) "Pres-Kloth", "Pres-Mit" and "Pres-Mit Jr." lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

APPENDIX

(Column 1) Item—Style or lot number or other description:	(Column 2) Retailer's ceiling price for articles listed in column 1
Pres-Mit, Jr.	----- \$0.39
Pres-Mit	----- .79
Pres-Kloth	----- .89

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13338; Filed, Nov. 1, 1951; 4:39 p. m.]

[Ceiling Price Regulation 7, Section 43
Appendix to Special Order 307]

BIENEN-DAVIS, INC.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 307 under section 43, Ceiling Price Regulation 7, effective August 8, 1951, issued to Bienen-Davis, Inc., 159 Madison Avenue, New York, N. Y., covering women's handbags having the brand name(s) "Bienen-Davis" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 3/10 E. O. M.

Manufacturer's selling price (per unit)	Ceiling prices at retail (per unit)	
	East of Denver (except Texas)	Denver, west of Denver and Texas
\$6.25	\$10.50	\$10.95
\$7.50	12.50	12.95
\$8.50	15.00	15.95
\$9.50	16.50	16.95
\$10.50	18.50	18.95
\$11.50	20.00	20.95
\$12.75	22.50	22.95
\$14.25	25.00	25.95
\$15.75	28.50	28.95
\$17.50	32.50	32.95
\$19.50	35.00	35.95
\$21.50	39.50	39.95
\$23.50	42.50	42.95
\$25.00	45.00	45.95
\$28.50	49.50	49.95
\$30.00	55.00	55.95
\$33.50	59.50	59.95
\$35.00	65.00	65.95

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13339; Filed, Nov. 1, 1951;
4:39 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 329]

ORDERS MATTRESS CO., INC.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 329 under section 43, Ceiling Price Regulation 7, effective August 9, 1951, issued to Orders Mattress Company, Inc., Box 1290, Greenville, South Carolina, covering mattresses and box springs having the brand name(s) "Order-suprest", "Orderest" and "Goldenhour" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 30, Net 60 days.

Manufacturer's selling price (per unit)	Ceiling prices at retail (per unit)
\$25.00 through \$26.00	\$49.50
\$31.50 through \$32.50	59.50
\$35.50 through \$37.50	69.50

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13351; Filed, Nov. 1, 1951;
4:42 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 314]

C. F. MARTIN & CO., INC.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 314 under section 43, Ceiling Price Regulation 7, effective August 9, 1951, issued to C. F. Martin & Co., Inc., 10 West North Street, Nazareth, Pennsylvania, covering guitars, mandolins and ukeleles having the brand name(s) "C. F. Martin" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: Net thirty days.

Manufacturer's selling price (per unit)	Ceiling prices at retail (per unit)
\$10.00	\$20.00
\$12.50	25.00
\$15.00	30.00
\$16.25	32.50
\$20.00	40.00
\$23.75	47.50
\$25.00	50.00
\$30.00	60.00
\$35.00	70.00
\$37.50	75.00
\$40.00	80.00
\$45.00	90.00
\$47.50	95.00
\$50.00	100.00
\$52.50	105.00
\$62.50	125.00
\$65.00	130.00
\$72.50	145.00
\$82.50	165.00
\$87.50	175.00
\$100.00	200.00

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13340; Filed, Nov. 1, 1951;
4:40 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 337]

SHWAYDER BROTHERS, INC.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 337, under section 43, Ceiling Price Regulation 7, effective August 9, 1951, issued to Shwayder Brothers, Inc., 4270 High Street, Detroit, Michigan, covering folding tables and chairs, having the brand name "Samson", lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 10 Days, Net 30, F. O. B. Factory, Detroit, Michigan.

Manufacturer's selling price (per unit)	Ceiling prices at retail (per unit)
\$3.25	\$5.95
\$3.75 through \$4.00	6.95
\$5.00 through \$5.10	8.95
\$8.00	13.95
\$10.00 through \$11.00	18.95

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13354; Filed, Nov. 1, 1951;
4:42 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 336]

E. B. MALONE CO.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 336 under section 43, Ceiling Price Regulation 7, effective August 9, 1951, issued to E. B. Malone Company, 60 N. W. 13th Street, Miami 36, Florida; 1534 Fuller Street, Tampa, Florida, covering mattresses, boxsprings and lounges, having the brand names "Spring Air", "Super Emblem", "Back Supporter", "Emblem", "Malone Super Glamourest", "Malone Glamourest", "Malone Super E. D. C.", "Malone E. D. C.", "Custom-bilt", "Slumber Lounge", "Duo Lounge", "Floridian Lounge", lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 10 prox.

Manufacturer's selling price (per unit)	Ceiling prices at retail (per unit)
\$22.50	\$39.50
\$25.25	44.50
\$28.50	49.50
\$32.50	59.50
\$37.50	69.50
\$42.50	79.50
\$47.50	89.50
\$52.50	99.50
\$57.50 through \$65.85	109.50
\$70.85	119.50
\$75.85	129.50
\$80.85	139.50
\$85.85	149.50
\$90.85	159.50
\$95.85	169.50

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13352; Filed, Nov. 1, 1951;
4:42 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 344]

EAGLE MATTRESS CO., INC.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 344 under section 43, Ceiling Price Regulation 7, effective August 9, 1951, issued to Eagle Mattress Company, Inc., 38-42 Everett Street, Allston, Massachusetts, covering mattresses and box springs having the brand name(s) "Sealy Sleep Charm", "Sealy Dreamer", "Sealy Park Lane", "Sealy Good Home-keeper", "Sealy Enchanted Night", "Sealy Natural Rest", "Sealy Air Vent", "Sealy Rest", "Sealy Cotton Boll", "Sealy Sunspun", "Sealy Orthopedic Firmo-Rest", "Sealy Junior Posturepedic", "Sealy Supreme", "Sealy Foamspun Deluxe", "Sealy Baby Posturepedic", and "Sealy Beddy Bye", lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 10 E. O. M.

MASSACHUSETTS

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$8.00	\$15.95
\$11.50	17.95
\$23.50	39.50
\$26.00	44.50
\$28.50	49.50
\$33.00	59.50
\$37.00 through \$38.00	69.50
\$40.50 through \$42.50	79.50
\$43.00 through \$45.00	89.50
\$95.50	\$89.75, \$79.75, Set

MAINE AND NEW HAMPSHIRE

\$8.75	\$15.95
\$12.00	17.95
\$24.50	39.50
\$27.00	44.50
\$29.50	49.50
\$34.00	59.50
\$38.00 through \$39.00	69.50
\$41.50 through \$43.50	79.50
\$44.00 through \$46.00	89.50
\$97.50	\$89.75, \$79.75, Set

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13355; Filed, Nov. 1, 1951;
4:42 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 338]

OLYMPIC RADIO & TELEVISION, INC.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 338 under section 43, Ceiling Price Regulation 7, effective August 9, 1951, issued to Olympic Radio & Television, Inc., 34-01 38th Avenue, Long Island City, New York covering radios and television sets having the brand name(s) "Olympic", "The Challenger", "The Riviera", "The Monte Carlo", "The Broadmoor", "The Versailles", "The Catalina", "The Prince George", "The Marlborough", "The Windsor", "The Lancaster" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix.

(Column 1) Item, style or lot number or other description:	(Column 2) Retailer's ceiling price for articles listed in column 1
755	\$249.95
752	269.95
752B	279.95
762	289.95
753, 754	319.95
753B, 773B	339.95
764, 970	369.95
764B	389.95
785, 967	429.95
764CH	449.95
967B	459.95
968	469.95
765, 766	499.95
765B, 766B, 968B	519.95
769	569.95
769B	599.95

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13365; Filed, Nov. 1, 1951;
4:45 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 345]

GANT MADELEINE, INC.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 345 under section 43, Ceiling Price Regulation 7, effective August 10, 1951, issued to Gant Madeleine, Inc., 437 Fifth Avenue, New York 16, New York, covering ladies cotton fabric gloves having the brand name(s) "Gant Madeleine" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 6/10, 6/10 E. O. M. and 7/10.

Manufacturer's selling price terms 6/10 (per dozen pairs)	Manufacturer's selling price terms 6/10 E. O. M. (per dozen pairs)	Manufacturer's selling price terms 7/10 (per dozen pairs)	Ceiling prices at retail (per pair)
\$28.00	\$28.15	\$28.30	\$4.00
35.50	35.70	35.90	5.00
43.00	43.25	43.45	6.00
46.50	46.75	47.00	6.50
72.00	72.40	72.75	10.00

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13364; Filed, Nov. 1, 1951;
4:45 p. m.]

ROYAL BEDDING Co.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 394 under section 43, Ceiling Price Regulation 7, effective August 11, 1951, issued to Royal Bedding Company, 819 Reedsdale Street, Pittsburgh 12, Pennsylvania covering mattresses and box springs having the brand name(s) "Restonic Flexoform", "American Beauty", "Restonic Custom", "Restonic Super", "Super American Beauty", "Restonic Extrafirm", "Restonic Topperfoam", "Luxury Restonic", "Restonic Wonderfoam", "Luxury American Beauty" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 15 days, Net 30 days.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$27.50	\$49.50
\$32.75	59.50
\$35.75 through \$39.25	69.50
\$38.25 through \$43.50	79.50
\$94.50	149.50

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13362; Filed, Nov. 1, 1951;
4:45 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 390]

GOLDSTONE BROS.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 390, under section 43, Ceiling Price Regulation 7, effective August 11, 1951, issued to Goldstone Bros., 420 Market Street, San Francisco, California, covering boys' jeans having the brand name "Cowpunchers" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: Net 30 days F. O. B. factory.

Manufacturer's selling price (per dozen)	Ceiling prices at retail (per unit)
\$22.50	\$2.80
\$25.50	3.17
\$26.00	3.23
\$27.50	3.41
\$28.00	3.47
\$28.50	3.55
\$29.00	3.60
\$30.00	3.59
\$33.00	3.79

*Boys' jeans having the style number 1010J in the manufacturer's application dated June 22, 1951, so long as it has a manufacturer's selling price \$25.50 per dozen, shall have a ceiling price at retail of \$3.25 per unit, and the manufacturer's selling price shall carry terms of net 30 days F. O. B. factory.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13363; Filed, Nov. 1, 1951;
4:45 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 412]

WARREN-WELLS Co.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 412 under section 43, Ceiling Price Regulation 7, effective August 16, 1951, issued to Warren-Wells Co., 14288 Meyers Rd., Detroit 27, Michigan, covering mattresses and box springs having the brand name(s) "Spring-Air" and "Spring Air Back Supporter" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 10th of following month, net 30 days.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$28.50	\$49.50
\$32.50	59.50
\$37.50	79.50
\$42.50	79.50

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13341; Filed, Nov. 1, 1951;
4:40 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 406]

SURPRISE BRASSIERE CO., INC.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 406 under section 43, Ceiling Price Regulation 7, effective August 16, 1951, issued to Surprise Brassiere Co., Inc., 102 Madison Avenue, New York 16, New York, covering brassieres having the brand name(s) "Surprise! Bra" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 8 percent e. o. m.

Manufacturer's selling price (per dozen):	Ceiling prices at retail (per unit)
\$12.75	\$1.75
\$13.50 through \$15.00	2.00
\$16.50	2.25
\$18.00	2.50
\$21.00	3.00
\$22.50 through \$24.00	3.50
\$27.00	3.95
\$30.00	4.50
\$33.00 through \$36.00	4.95
\$39.00	5.50
\$42.00	5.95
\$54.00	8.50

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13361; Filed, Nov. 1, 1951;
4:45 p. m.][Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 413]

UNITED STATES SPRING BED CO.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 413 under section 43, Ceiling Price Regulation 7, effective August 16, 1951, issued to United States Spring Bed Co., 228 Birnie Avenue, Springfield 1, Massachusetts, covering mattresses and box springs having the brand name(s) "Spring Air", "Spring Air Extra Firm", "Spring Air Hair Top", "Spring Air Back Supporter" and "Spring Air Extra Long" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2/10, net 30.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$27.75 less \$0.50 P. M.	\$49.50
\$32.75 less \$1.00 P. M.	59.50
\$37.00 through \$38.00 less \$1.50 P. M.	69.50
\$44.00 less \$1.50 P. M.	79.50

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13342; Filed, Nov. 1, 1951;
4:40 p. m.][Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 417]

W. B. FOUNDATIONS, INC.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 417 under section 43, Ceiling Price Regulation 7, effective August 16, 1951, issued to W. B. Foundations, Inc., 46 Warren Street, Newark 2, New Jersey, covering women's corsets, girdles, brassieres having the brand name(s) "Youth-line" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 8 percent 10 Days E. O. M.; 6 percent 10 Days, 60 Extra: Net 71 days.

Manufacturer's selling price (per dozen):	Ceiling prices at retail (per unit)
\$30.00	\$3.95
\$33.00	4.50
\$36.00	5.00
\$42.00	5.95
\$48.00	7.50
\$54.00	7.95
\$60.00	8.95
\$66.00	10.00
\$72.00	10.95
\$78.00 through \$84.00	12.50
\$90.00	13.95
\$96.00	15.00
\$108.00 through \$114.00	16.50
\$120.00 through \$126.00	18.50
\$132.00	20.00
\$138.00 through \$144.00	22.50
\$156.00	25.00
\$168.00	27.50
\$186.00	29.50
\$216.00	35.00

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13343; Filed, Nov. 1, 1951;
4:40 p. m.][Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 443]

KANDELL, INC.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 443 under section 43, Ceiling Price Regulation 7, effective August 16, 1951, issued to Kandell, Inc., 261 Fifth Avenue, New York 16, N. Y., covering woven decorative fabric having the brand name(s) "Kandell Chintz" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2/10/60.

Manufacturer's selling price (per yard):	Ceiling prices at retail (per yard)
\$0.85	\$1.49

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13349; Filed, Nov. 1, 1951;
4:41 p. m.][Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 420]

FELDT MFG. CO.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 420 under section 43, Ceiling Price Regulation 7, effective August 16, 1951, issued to Feldt Manufacturing Company, Temple, Texas, covering western shirts having the brand name(s) "Tem-Tex Western Shirts" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent—10 e. o. m.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$36.00 through \$37.50	\$4.95
\$42.00 through \$45.00	5.95
\$48.00 through \$51.00	6.95
\$54.00 through \$57.00	7.95
\$60.00	8.50
\$63.00 through \$64.50	8.95
\$69.00 through \$72.00	9.95
\$76.80 through \$78.00	10.95
\$81.00 through \$84.00	11.95
\$90.00	12.95
\$108.00	14.95
\$114.00	15.95
\$123.00	17.95
\$129.00	18.95
\$144.00	19.95
\$153.00	21.50
\$198.00	27.50

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13344; Filed, Nov. 1, 1951;
4:40 p. m.][Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 433]

CASHMERE CORP. OF AMERICA

MANUFACTURER'S SELLING PRICES AND CEIL-
ING PRICES AT RETAIL

The following appendix to Special Order 433 under section 43, Ceiling Price Regulation 7, effective August 16, 1951, issued to The Cashmere Corporation of America, 2765 East 55th Street, Cleveland 4, Ohio, covering women's 100 percent cashmere sweaters having the brand name(s) "Hadley" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 8 percent E. O. M.

Manufacturer's selling price (per unit)	Ceiling prices at retail (per unit) all states except Washington, Oregon, and California	California, Ore- gon, and Wash- ington
\$9.75	\$16.95	\$16.95
11.50	19.95	20.95
13.25	22.95	23.95

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13345; Filed, Nov. 1, 1951;
4:41 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 436]

MARCUS BREIER SONS, INC.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 436 under section 43, Ceiling Price Regulation 7, effective August 16, 1951, issued to Marcus Breier Sons, Inc., 20 Hamilton Street, Amsterdam, New York covering men's outerwear and sportswear jackets having the brand name(s) "Bantamac" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 10 days E. O. M.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$6.00	\$9.95
\$6.50	10.95
\$7.50	12.50
\$7.75	12.95
\$8.35	13.95
\$9.00	14.95
\$9.55	15.95
\$9.85	16.50
\$10.00 through \$10.15	16.95
\$10.50	17.50
\$12.00	19.95
\$13.50	22.50
\$15.00	25.00
\$15.90	26.50
\$29.50	49.50

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13348; Filed, Nov. 1, 1951;
4:41 p. m.]

[Ceiling Price Regulation 7, Section 43,
Appendix to Special Order 444]

So-Lo Works, Inc., D/B/A So-Lo MARX
RUBBER CO.

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 444 under section 43, Ceiling Price Regulation 7, effective August 17, 1951, issued to So-Lo Works, Inc., D/B/A So-Lo Marx Rubber Co., Loveland, Ohio, covering women's and children's rubber footwear having the brand name(s) "MarXie-totes" and "Overshoe-totes" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

APPENDIX.

(Column 1) Item, style, or lot number, or other description:	(Column 2) Retailer's ceiling price for articles listed in Column 1
80	\$1.19
80TT	1.49
402	2.29
82	2.50
400, 401	2.98

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13347; Filed, Nov. 1, 1951;
4:41 p. m.]

[Ceiling Price Regulation 7, Section 43
Appendix to Special Order 610]

WADSWORTH WATCH CASE CO., INC

MANUFACTURER'S SELLING PRICES AND
CEILING PRICES AT RETAIL

The following appendix to Special Order 610, under section 43, Ceiling Price Regulation 7, effective September 12, 1951, issued to The Wadsworth Watch Case Company, Inc., Dayton, Kentucky, covering compacts, cigarette cases, ashtrays, carryall cases, combination compact and cigarette case and pill boxes having the brand name "Wadsworth" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 10 days; net 50.

Manufacturer's selling price (per dozen):	Ceiling prices at retail (per unit)
\$12.00 through \$14.40	\$2.00
\$18.00 through \$19.50	3.00
\$22.50	3.50
\$24.00	4.00
\$30.00	5.00
\$36.00	6.00
\$45.00	7.50
\$48.00	8.00
\$51.00	8.50
\$60.00 through \$63.00	10.00
\$69.00	11.50
\$72.00	12.40
\$75.00	12.50
\$78.00	12.95
\$84.00	14.00
\$90.00	15.00
\$96.00	15.95
\$120.00	20.00
\$126.00	21.00
\$132.00	22.00
\$150.00	25.00
\$165.00	27.50
\$180.00	30.00
\$195.00	32.50
\$210.00	35.00
\$300.00	50.00
\$420.00	70.00

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 1, 1951.

[F. R. Doc. 51-13360; Filed, Nov. 1, 1951;
4:44 p. m.]

[Delegation of Authority 25]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO MAKE
ADJUSTMENTS UNDER SUPPLEMENTARY
REGULATION 39 TO THE GENERAL CEILING
PRICE REGULATION

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) as amended, Executive Order No. 10161 (15 F. R. 6105) and Economic Stabilization General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the respective Regional Offices of the Office of Price Stabilization:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of

Supplementary Regulation 39 to the General Ceiling Price Regulation relating to intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39 to the General Ceiling Price Regulation relating to intrastate operations.

2. The authority conferred by this delegation may be redelegated by the Regional Directors in whole or in part to the respective District Directors of the Office of Price Stabilization.

This delegation of authority shall take effect on November 8, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 7, 1951.

[F. R. Doc. 51-13559; Filed, Nov. 7, 1951;
11:28 a. m.]

[Delegation of Authority 26]

DISTRICT DIRECTORS

DELEGATION OF AUTHORITY TO ACT ON
SCHEDULES OF RATES FILED BY WARE-
HOUSES UNDER SUPPLEMENTARY REGULA-
TION 5 TO CEILING PRICE REGULATION 34

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34. Authority is hereby delegated to the Directors of the District Offices of the Office of Price Stabilization to disapprove schedules of rates and charges filed with their offices in accordance with the provisions of Supplementary Regulation 5 to Ceiling Price Regulation 34.

2. The respective Regional Directors are hereby delegated authority to:

(a) Review at the request of any interested person, any order issued by a District Director under this delegation of authority; and

(b) Affirm or reverse such order.

The delegation of authority shall take effect on November 8, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

NOVEMBER 7, 1951.

[F. R. Doc. 51-13561; Filed, Nov. 7, 1951;
11:29 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1752]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER FIXING DATE OF HEARING

NOVEMBER 1, 1951.

On July 25, 1951, Natural Gas Pipeline Company of America (Applicant), a Delaware corporation having its principal place of business at Chicago, Illinois, filed an application for an order pursuant to section 7 (b) of the Natural Gas

Act authorizing and approving the abandonment of its gas sales service to Chicago District Pipeline Company (Chicago District) and for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the sale of natural gas directly to Public Service Company of Northern Illinois, The Peoples Gas Light and Coke Company and Northern Indiana Public Service Company, all as more fully described in such application on file with the Commission and open to public inspection.

The proposed direct sales of natural gas represent a substitute service for that heretofore rendered by Chicago District for which Chicago District has made application for authorization to abandon, in Docket No. G-1643. A hearing in said Docket No. G-1643 was held on May 29, 1951, and that proceeding is presently awaiting disposition concurrently with disposition of this proceeding. No protest to the application herein has been received.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for noncontested proceedings, and this proceeding is a proper one for disposition under the aforesaid rule, no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 4, 1951 (16 F. R. 7687).

The Commission finds: It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a public hearing be held on November 9, 1951 at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N.W., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 2, 1951.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-13431; Filed, Nov. 7, 1951; 8:48 a. m.]

[Docket No. G-1822]

INTERSTATE NATURAL GAS CO., INC.,
AND HOPE PRODUCING CO.

NOTICE OF APPLICATION

NOVEMBER 1, 1951.

Take notice that Interstate Natural Gas Company, Incorporated, and Hope Producing Company (Applicants), each a Delaware corporation having its principal place of business at Monroe, Louisiana, filed on October 22, 1951, an application pursuant to section 7 (b) of the Natural Gas Act, as amended, for an order of the Federal Power Commission granting permission and approval for the abandonment by Applicants of certain facilities subject to the jurisdiction of the Commission, and the abandonment of the sale by Applicants of natural gas to Mississippi River Fuel Corporation (Mississippi).

Applicants state that their joint contract with Mississippi for the sale of natural gas from the Monroe Field, Louisiana, will expire on February 2, 1952, and that because of the rapid decline in production and deliverability of Applicants' wells in the Monroe Field, Applicants will not be able to deliver gas to Mississippi beyond the end of the contract period. Applicants state that during the year 1950 they delivered to Mississippi 14,627,404 Mcf of natural gas, and that the peak day delivery in 1950 was 41,805 Mcf. They further state that during the winter of 1951-52 and thereafter, the requirements of Interstate's customers in Mississippi and Louisiana, for whom Interstate is the sole source of supply, will be greater than the quantity of gas that will be available to Interstate from the Monroe Field, and that Interstate's rate schedules and service agreements provide that service to Mississippi be subject to certain prior uses or obligations of Interstate.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of November 1951. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-13430; Filed, Nov. 7, 1951; 8:48 a. m.]

[Project No. 2095]

INTERNATIONAL PAPER COMPANY

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 2, 1951.

Public notice is hereby given that International Paper Company, 220 East 42d St., New York 17, N. Y., has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for constructed hydroelectric Project No. 2095, situated on the Susquehanna River in York County, Pennsylvania, and consisting of a head race about 530 feet long; 5 generating units with total tur-

bine capacity of 3,710 horsepower at 22.5-foot head and total generator capacity of 2,500 kilowatts, one turbine and one generator being located in the Jordan Building, four turbines and three generators in the turbine room building, and the fifth generator, driven through bevel gears, in the generator building; a tailrace branching from the first two buildings; and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before December 15, 1951, to the Federal Power Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-13442; Filed, Nov. 7, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1351]

COLUMBIA BROADCASTING SYSTEM, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of November A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, Class B, \$2.50 Par Value, of Columbia Broadcasting System, Inc., a security listed and registered on the New York Stock Exchange and on the San Francisco Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 19, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-13433; Filed, Nov. 7, 1951; 8:48 a. m.]

[File No. 70-2728]

INVESTORS TELEPHONE CO. ET AL.

NOTICE OF PROPOSED SALE OF COLLATERAL TRUST BONDS BY PARENT COMPANY AND ACQUISITION BY IT OF PROMISSORY NOTES OF ITS SUBSIDIARIES

NOVEMBER 2, 1951.

In the Matter of Investors Telephone Company, Arkansas Associated Telephone Company, Central Carolina Telephone Company, Central Missouri Telephone Company, Iowa State Telephone Company, Platte Valley Telephone Corporation, The Sussex Telephone Company; File No. 70-2728.

Notice is hereby given that a joint application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Investors Telephone Company ("Investors Telephone"), a telephone holding company and its subsidiary telephone companies, Arkansas Associated Telephone Company, Central Carolina Telephone Company, Central Missouri Telephone Company, Iowa State Telephone Company, Platte Valley Telephone Corporation, and The Sussex Telephone Company. Investors Telephone is a non-utility and a subsidiary of Investment Bond and Share Corporation, a registered holding company. The applicants have designated sections 6, 9 and 10 of the act and Rule U-50 (a) (4) promulgated thereunder as being applicable to the proposed transactions.

Notice is further given that any person may, not later than November 15, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 15, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Investors Telephone proposes to issue and sell \$1,000,000 of Collateral Trust 3½ percent Bonds, Series B, due December 1, 1981, at 100 percent of principal

amount to the following purchasers in the principal amounts indicated:

Purchaser	Principal amount
Metropolitan Life Insurance Co.	\$650,000
The Mutual Life Insurance Co. of New York	350,000
	1,000,000

Said bonds will be issued pursuant to an Indenture dated June 1, 1950, and a proposed Supplemental Indenture to be dated December 1, 1951.

Investors Telephone proposes to utilize the proceeds from the sale of said bonds to make advances to its subsidiaries in various amounts and from time to time as their needs arise for plant construction and for working capital. It is also proposed that the subsidiaries will issue to Investors Telephone their unsecured 3½ percent demand notes to evidence such advances.

The filing states that no State or other Federal Commission has jurisdiction over the proposed issuance and sale of bonds. With respect to the proposed advances by Investors to its subsidiaries, the filing further states that the regulatory commissions of the State of Nebraska and the State of New Jersey have jurisdiction over the issuance of notes by Platte Valley Telephone Corporation and The Sussex Telephone Company, respectively.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-13434; Filed, Nov. 7, 1951;
8:49 a. m.]

[File No. 70-2737]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING PROPOSED ISSUE AND SALE OF NOTES TO CERTAIN BANKS

NOVEMBER 2, 1951.

Notice is hereby given that a declaration has been filed with this Commission by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 and 7 of the act have been designated as being applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia proposes to borrow not to exceed in the aggregate \$15,000,000, from time to time, prior to December 15, 1951, from certain banking institutions and to issue notes in evidence thereof. The

proposed borrowings will be made in the indicated amounts from the following banks:

Name of bank	Maximum participation
Guaranty Trust Co. of New York	\$7,000,000
Chemical Bank & Trust Co.	2,000,000
Irving Trust Co.	2,000,000
Mellon National Bank & Trust Co.	2,000,000
Bankers Trust Co.	1,000,000
The First National Bank of The City of New York	1,000,000

The notes to be issued by Columbia evidencing such borrowings will be dated as of the date the money is borrowed in each case and will mature June 15, 1952. Interest on the notes for the loans actually made will be 2¾ percent per annum and the loan agreement with the banks provides that the principal of such loans may be prepaid by Columbia at any time on three days' prior notice in whole or in part without premium, together with accrued interest on the amounts prepaid to the date of payment.

Concurrent with this filing, Columbia has filed a declaration requesting the Commission to approve the issuance and sale of 1,501,826 shares of additional common stock. It is represented that the proposed notes will be repaid from a portion of the proceeds to be derived from the sale of such common stock.

Columbia states that the proposed transaction is necessary in order to finance a construction program which is urgently required in order to render gas service to the customers of its subsidiaries.

Notice is further given that any interested person may, not later than November 14, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 14, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-13432; Filed, Nov. 7, 1951;
8:48 a. m.]